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ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

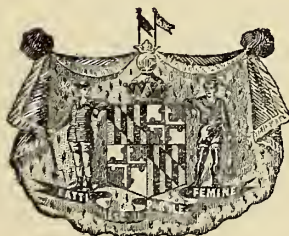
GENERAL ASSEMBLY OF MARYLAND

APRIL 26, 1700—MAY 3, 1704

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE

Editor



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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *August* 25, 1904.

To the Maryland Historical Society:

GENTLEMEN :

We have the honor to submit the Twenty-fourth Volume of the Maryland Archives, being the Proceedings and Acts of the General Assembly of Maryland from April 26, 1700, to May 3, 1704.

Respectfully,

CLAYTON C. HALL,
HENRY STOCKBRIDGE, JR.,
BERNARD C. STEINER,

Committee.

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ARCHIVES OF MARYLAND.

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PREFACE.

The administration of Gov. Blakiston ran its course much more smoothly than that of the masterful Nicholson. Blakiston was an amiable man, and very desirous to keep on good terms with the Assembly, while they in turn liked, trusted, and respected him ; and, in consequence, halcyon weather prevailed in the Province during his term of office.

The Act for the Establishment of Religion which made the Church of England the Established Church of the Province, was the most important act of Blakiston's administration. It was not the first act of the kind : the first Assembly convened under the royal government in 1692 passed an act establishing the Church of England and providing for the division of the counties into parishes and the election of vestrymen, and also for a tax of forty pounds of tobacco per poll for the support of the clergy. This act was modified by a supplementary act in 1693, and in 1694 both were superseded by a third. This was disapproved by the crown, and a fourth was passed in 1696. This, however, contained a clause providing that the people of the Province should have the benefit of the laws of England in all cases where the provincial laws were silent. This clause was held not germane to the title of the act, which spoke of religion only, and it was therefore disallowed by the crown in 1699. Under the influence of Dr. Thomas Bray, commissary of the Bishop of London, an act was passed in 1700 [p. 91] which it was hoped would be satisfactory. It, however, contained a clause requiring the use of the Prayer-Book "in every church or other place of public worship;" and this deprived the Quakers and other dissenters of the measure of toleration they had enjoyed. It was seen that this act would not be approved by the crown ; so Dr. Bray had a new bill drawn according to the instructions of the Board of Trade and Plantations, and this was passed by the Assembly in 1702 [p. 265] and substantially remained the law until the Revolution.

It preserved the tax of forty pounds per poll for the support of the clergy, gave a certain amount of toleration to the Quakers and other Protestant Dissenters, but left the Roman Catholics to the penal laws of England.

Oppressive as this law was to many, its validity was not questioned for seventy years. For one thing, as the quality of tobacco was not specified, the tax-payers usually paid the tax in the very poorest and cheapest sort, so that the stipends of the clergy were not only inadequate, but even beggarly. In consequence it was hard to get clergymen of any standing or respectability to accept the livings, and the condition of the Church became scandalous, and gave rise to loud complaints. "A Maryland parson" was a by-word for any drunken or disreputable wearer of the cloth.

This miserable and shameful state of things was, however, remedied by the growing population of the Province increasing the number of taxables in each parish, but especially by the inspection law of 1747, which raised the price of tobacco to such an extent that the salaries of the clergy became respectable, and even liberal.

In 1763 the tax was reduced from forty to thirty pounds, and even then it was so ample that we are told that the income of the incumbent of All Saints Parish in Frederick county was more than 450 pounds sterling, and increasing at the rate of fifty pounds a year, and that there were but two parishes in the Province in which the clergyman's income was less than a hundred pounds sterling.

This supplementary Act of 1763 was temporary and expired in 1772, and Gov. Eden, taking the same ground which he took with reference to the act fixing officers' fees, announced that as the act of 1763 had expired, and no other had been enacted in its place, the permanent act of 1702 became valid again with its tax of forty pounds.

Great dissatisfaction followed, and the legality of the Governor's position was being fiercely debated, when an acute lawyer (writing under an assumed name) published the startling opinion that the Act of 1702 had no validity and had never had any. For the Assembly which passed that act had been summoned and had met on March 16, 170 $\frac{1}{2}$ in the name of King William III., and the laws then passed were assented to by the Governor on behalf of his Majesty on the 25th of the same month. But King William had died on March 8, and Anne was the reigning sovereign when the Assembly met, therefore it should have been called and the acts assented to in her name. It was even a question whether the Governor's commission had not expired with the monarch who issued it—at all events, the Act of 1702 was void *ab initio*.

This opinion, as was natural, found a large following. Many refused to pay their ministers anything, and a plentiful crop of lawsuits sprang

up. To settle the practical side of the question, an act was passed leaving it optional with the taxpayer to pay thirty pounds of tobacco, or four shillings in money, per poll; but the act expressly disclaimed any intention of determining the validity of the Act of 1702. The Revolution settled the matter in another way, and the validity of the Act of 1702 remains *res non adjudicata* to the present day.

The standing dispute about the Pennsylvania boundary took an additional complication. William Penn, not contented with his grab of a great strip of Maryland lying south of the fortieth parallel of latitude (which was expressly included in Baltimore's charter of 1632, and as expressly excluded from Penn's charter of 1681) had, in 1682, obtained from James, then Duke of York, a grant of the territory now forming the State of Delaware, which was also included in the Maryland charter, which fixed the eastern boundary of the Province at the Delaware river and bay, and the Atlantic ocean. Even had it not been in the charter, it was not the Duke's to give, as it was not in his patents. But Penn was a favorite of James, and with all his tender conscience and fine professions made no scruple of asking for and receiving stolen goods. Baltimore strongly protesting against this high-handed action, James, then King, took a course for which perhaps he found a warrant in one of those actions of King David which we least care to remember.

David, we are told, deceived by the greedy Ziba's flatteries and lies, gave him the lands of the prince Mephibosheth. When the deception was made clear to him, instead of revoking his grant and hanging the liar, he divided the land between them.

So James ordered the peninsula (for the whole of which Penn had asked) to be equally divided between the lawful owner and the robber, by a line running north and south to the latitude of Cape Henlopen.

One would have supposed that the seizure of three counties of another man's land in addition to his already enormous possessions would have satiated even Penn's rapacity; but it was not so. He planned to extend his southern boundary still further, and for this purpose had a map prepared to be submitted to the King and Council in which Cape Henlopen was displaced some fifteen miles to the south. But as all the maps (for instance Herrman's of 1660) showed Cape Henlopen where it is now and always has been, they invented an imaginary "Cape Inlopen" which no one ever heard of, and this, they said, was the real name of the upper cape, and "Henlopen" that of the lower [p. 375]. Penn did not live to see his title confirmed, but his descendants did. It is needless to add that Cape Henlopen refused to be moved; and the

boundary of Delaware is at "False Cape," which is no cape at all, and doubtless received its very appropriate name in commemoration of this transaction. The map which did the Penns such good service is now in the possession of the Maryland Historical Society, where any one desirous of seeing a masterpiece of craft may inspect it.

Blakiston's health being impaired, he resigned his office and sailed for England in 1702, carrying with him the good wishes of the Province. Before his departure he offered to serve the Province as its agent in England for one year gratuitously, and after that at £120 sterling per annum, an offer which was willingly accepted, as matters continually arose in which it was of importance that Maryland should be properly represented before the Queen and Council. Blakiston, by his knowledge of conditions in Maryland and the confidence which was reposed in him by the people, was eminently qualified for this position, in which he rendered the Province good service for several years.

One of these matters which called for the services of an English agent was the continual pressure of the crown for assistance in men and money to New York for defence against the French and Indians. The Assembly took the ground that the position of Maryland was not understood; that the Province was in as great danger as New York from incursions of hostile Indians, and moreover that the people were poor, and that the expenses for their own defence and other necessary charges were as heavy as they could bear. At last they grudgingly agreed to contribute £300 when the other colonies should have contributed their quotas, which was practically deferring it to the Greek Kalends [pp. 393-4].

After Blakiston's departure, Thomas Tench, President of the Council, acted as Governor until the arrival of John Seymour with a commission from Queen Anne.

Seymour was a consequential, arrogant, and injudicious man; but the defects of his character are not particularly apparent in the brief period of his administration included in the present volume.

There are considerable gaps in our original records of this period, but fortunately we have been able almost entirely to fill them by copies obtained from the Public Record Office, London. In this way the Proceedings of the Lower House during the sessions of 1700 and June 1702, and those of both houses in 1704, together with the Report of the Committee of Accounts for 1700 have been obtained. The existence of copies of these records was discovered by Henry F. Thomp-

son, Esq., of the Maryland Historical Society in the course of researches at the Public Record Office, and the copies themselves found by Hubert Hall, Esq., of the Office (and a Corresponding Member of the Maryland Historical Society), who had transcripts made for us. Mr. Hall has also kindly undertaken to have search made for copies of other records missing from our archives.

It will be noticed that the present volume is smaller than those preceding. This was unavoidable from the fact that the records of the following session are of such unusual bulk that to have included them in the present volume would have swelled it beyond all reasonable compass.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND.

At a Session held at Annapolis, April 26 to May 9, 1700.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

NATHANIEL BLAKISTON,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

Aprill the 26th 1700 Original
Journal.

Whereas the Gen^l Assembly of this Province was on the 22^d Day of July in the Eleventh Year of the Reign of our Sovereign Lord William the third by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c. Annoq^t Dni 1699 by his Ex^{ncy} Nathaniel Blakiston Esq^r Cap^t Gen^l & Govern^r in Chiefe of this his Ma^{ty}s Province of Maryland Prorogued untill the 28th Day of October next ensuing and from thence untill the thirteenth Day of Feb^{ry} following and likewise further untill the 26th Instant Att which tyme they were Sum^{oned} to convene themselves together at the Town & Port of Annapolis then & there to do and Consent to Such things as should happen to be enacted for the honour and Glory of God his Ma^{ty}s Service & the Welfare of this Province. According whereto Came of his Majesty's hon^{ble} Council p. 1

The Hon ^{ble}	{	Col. Henry Jowles	}	Colonel John Courts
		Thomas Tench Esq ^r		Thomas Brook Esq ^r
		Colonel Charles Hutchins		Colonel Hamond
		Colonel John Addison		
				W Bladen Cl Concil

Came M^r William Dent his Ma^{ty}s Attorney Gen^l who was ordered to give his Attendance on this Board

Came his Ex^{ncy} Nathaniel Blakiston Esq^r his Maj^{ty}s Cap^t Gen^l & Govern^r in Chiefe of this his Province of Maryland And was pleased to tell the Gentⁿ of his Ma^{ty}s hon^{ble} Councill

That whereas by his Ma^{ty}s Royal Instructions he is directed to advise and consult with them in all things relating to his Ma^{ty}s Service and the good Governm^t of the Province And finding them allways very ready to assist him therein (for which he gave them many thanks) He thought it necessary to acquaint them with what he intended to Say to the Assembly now mett To the End that if the Same were not Sufficient they would advise Somewhat further to be added or if more than needfull they would say wherein that it might be re-trenched, And thereupon produced to them in writing what he intended to offer to the Assembly. Which being considred was very well approved of by this Board. p. 2

Then was produced and layd before the Board his most Sacred Ma^{ty}s Ord^r in Councill of the 30th of November 1699

Original for the repealing two Laws made in this Province The One
Journal. Entituled An Act Establishing the protestant Religion within
this province and the other An Act ascertayning the Laws of
this province upon receipt whereof his Ex^{ncy} said he had En-
deavoured to sumons the Councill; but not having a full Coun-
cill proceeded no further than as followeth
That is to Say.

Att a Councill held at the Towne & Port of Annapolis,
Thursday the 4th Aprill 1700.

P^rsent

His Ex^{ncy} the Govern^r &c.

Colonel Henry Jowles } Colonel John Hamond
Tho^s Tench Esq^r & } M^r W^m Dent his Ma^{tys} Att^{ty} Gen^{ll}

His Ex^{cy} acquaints the Gentⁿ of the Councill that the Rea-
p. 3 son of his now calling them is

That on Monday the 25th March last being upon the Roade
near South River in Company with his Ex^{ncy} Colonel Francis
Nicholson His Ma^{ty's} L^t & Gov^r Gen^{ll} of the Colony of Vir-
ginia, he accidentally mett with M^r Samuel Chew Richard
Johns Samuel Galloway and Nehemiah Burkett who on the
Behalfe of the Quakers in this Province gave gim a certain
Order of his Ma^{ty} in Councill which is as followeth

Att the Court of Kensington
the 30th Novemb 1699.

P^rsent

The Kings most Ex^{lt} Ma^{ty} in Councill.

Whereas by powers granted under the Great Seale of Eng-
land to Colonel Francis Nicholson Cap^t Gen^{ll} and Governo^r
in Chiefe of his Ma^{tys} Province of Maryland in America dated
the 10th Day of Feb^{ry} in the fifth year of his Ma^{tys} Reigne, as
also to Colonel Nathaniel Blakiston Cap^t Gen^{ll} Gov^r in chiefe
of the said Province dated the 19th Day of Octob^r in the tenth
year of his Ma^{tys} Reigne. The Governour Councill & Assem-
bly of that Province have been impowered to constitute and
ordayne Laws which are to be in force untill his Ma^{tys} Pleas-
ure be signified to the Contrary, And forasmuch as in pur-
suance of the said Powers two Laws have past in the Gen^{ll} As-
sembly of the said Province in the Year 1696 & 1699. The first
Entituled An Act for the Establishm^t of the Protestant Reli-

gion within this Province wherein is a Clause declaring all the Laws of England to be in force in Maryland Which Clause is of another Nature than what is sett forth by the Title of the s^d Law. The other Law being Entituled Ann Act ascertainyng the Laws of this Province, Which Laws having been perused by the Lords Com^{rs} of Trade and Plantations and thereupon p^rsented at this Board for his Ma^{ty}s determinacōn concerning the said Laws.

Original
Journal.
p. 4

His Maj^{ty} in Councill is pleased to signifye his Disapprobation and Disallowance of the said Laws, And according to his Maj^{ty}s Pleasure the said Laws are hereby repealed and declared Voyd & of none Effect.

John Povey

Which being read and Considred and divers Argum^{ts} and debates had thereupon His Ex^{ncy} is pleased to aske the Gentⁿ of the Councill whether they do not thinke it Advisable that he should imediately issue a Proclamation Signifying the Repeale of the Said Laws.

To which they severally agree Answer & Advise his Excel^{ncy} to deferr the issuing of such Proclamation for the following Reasons viz^t

First. In regard there is not a full Councill at this time there being only three present at the Board and the rest living so remote that they cannot well be called together in any short tyme.

2^{dly} That this being a Matter of great & weighty moment which may have Strange Influences on the Courts of Law & Justice within this Province in their Judge^{mt} and Proceedings It would be for his Ma^{ty}s Service and the Benefitt of this Province to deferr the publishing such Proclamation untill The meeting of the Gen^l Assembly

3^{dly} That this being so publick a Concerne wherein His p. 5 most Sacred Ma^{ty} and his good Subjects are nearly interested It is absolutely necessary that the Gen^l Assembly should be Consulted therein, which at present is much facilitated by reason the meeting of the said Assembly is so nigh at hand viz the 26th Instant to which Day they Stand prorogued.

His Ex^{ncy} is pleased further to Aske the Advice of the Gentⁿ present Whether in regard he has received no late Comānds from his most Sacred Ma^{ty} or from the Right hon^{ble} the Lords of the Councill for Trade and Foraigne Plantations, The Meeting of the Assembly should not be further deferred and put off in Expectation of some of his Ma^{ty}s Royall Comānds which may be sent him or other Directions from their Lordp^s of the Councill of Trade and Plantations.

Original
Journal.

Whereupon this Board do advise and are of Opinion that forasmuch as Wee have no Advice of any more Shipps from Europe intended hither untill Octob. next (Cap^t Harbin the last Expected being arrived) by which such Letters might come, the meeting of the Assembly should not be deferred; but that it is absolutely expedient they sitt upon the 26th Instant according to prorogation.

Which s^d proceedings of his Ex^{ncy} in Councill were well approved of by this Board.

p. 6 Came from the House Colonel John Thompson L^t Colonel Tho^s Smith M^r Rich^d Tilghman and M^r Wight Who acquaint his Ex^{ncy} that the house is mett according to proclamation of prorogation to this Day, and desire his Ex^{ncy} will be pleased to appoint them a Clarke.

Whereupon the following Message was sent to the house by the honb^{le} Colonel Jowles and Thomas Tench Esq^r

By his Ex^{ncy} the Gov^r and Councill in Assembly
Aprill the 26th 1700.

Gentⁿ Understanding by Your Verbal Message by Major Thomas Smith and three others of Your Members that Your House is mett according to proclamation of prorogation to this Day, and that you desire a Clarke to be appointed you; His Ex^{ncy} is pleased to leave it to your house to nominate such Clarke and present him to him for his Approbacon no one having as yett addressed his Ex^{ncy} for that Office.

Signed ꝑ ord^r W Bladen Cl. Concil:

Came Cap^t Richard Hill M^r James Sanders and four other Members Who Returne the Thanks of the house to his Ex^{ncy} for his great Condescension, and acquaint him that the House are very desirous to have M^r Will^m Taylard one of their Members to be their Clarke if his Ex^{ncy} be pleased to Assent thereto.

In Answer to which was sent by Colonel Charles Hutchins and Colonel Addison viz^t

By his Ex^{ncy} the Gov^r & Councill in Assembly
Aprill 26th 1700

p. 7 Since the House have offered M^r W^m Taylard to be their Clarke His Ex^{ncy} is pleased to Say that he does approve of him to be a fitt & qualified ꝑson for the execution of that

Office And if the house will dispence with his Service in regard of his being one of their Members He is willing to Comissionate him

Original
Journal.

Signed p order W Bladen Cl Council.

Then came Mr William Hutchison with four more of the Delegates and say the House returne their hearty Thanks to his Ex^{ncy} for his Condescension and signifye the Houses willingness to dispence with the Service of their Member and intreat his Ex^{cy} to Comissionate him to be their Clarke.

Colonel Hutchins and Thomas Brooke Esq^r are Sent to Comānd Mr Speaker and the House to attend his Ex^{ncy} in Councill.

Whereupon Mr Speaker and the House came up to attend his Ex^{ncy} in Councill.

Who being admitted his Ex^{ncy} is pleased thus to bespeake them.

Gentlemen. You have now had a Year and an halfs Experience of me Which I hope will confirme You in the Truth of what I have publickly assured you of my best Endeavours for your Service which I promise I will always justly performe.

I cannot but acknowledge that all Your Actions in our last meeting gave me great Satisfaction, for it was mannaged with that Accord & good Agreem^t that there was not the least p. 8 Shaddow or Colour for any ill disposed persons to make any Malitious Remarques upon; And that good Understanding which We were so happy at first to create will I hope be mutually preserved on both Sides, as it is my fixed Resolution It shall be inviolably on myne, After which I will give You all the convincing proofs of what I have Solemnly averred in my Reguard for the Province in Generall, and every one of You in particular. Wherefore if you labour under any Difficultys I am ready to redress them, and assure you I will Suppress all unnecessary Charges and expences to make you easye And have the Vanity to believe Your Examination of the Publick Accompts will convince you of what I have allready done in that not having since the last Assembly which is tenn months ago entailed tenn pounds Charge upon you, or any individuall person in the Province But on the contrary averted what lay in my power.

Gentlemen. Since it is and ought to be the Great End of all Generall Assemblys, to consult the honour of God and the Service of their King and Country the Ignominious Report which is handed about by some, leads me to acquaint you of an Order of his most Sacred Ma^{ty} in Council for the Disañulling the Law which is Entituled the Act for Establishing the Protestant Religion. The Repealing the said Law gives no

Original
Journal.
p. 9

Roome to any person to suggest its being disassented to upon any other Grounds than it mentions; You having Clogged and Loaded it with things of Different Natures which I hope you will wisely Correct without the least Hesitation. For we are happy under the Wings & Protection of a Prince whose Delight is to run the greatest hazards for the Conservation of our Properties and never yet obstructed his People in pursuing that blessed name of Liberty.

You are senceible how useful Religion is in the Good Government of a Nation or Province, it's the Uniting the People, the keeping men Good and Deterring them from comitting of Rapines of all Degrees upon each other. Much may be said upon this Subject which is not so proper here and not being my Tallent, neither is it necessary where I am morally Assured those persons to whom I Applye, are So well inclined and are So Good Judges of the fatall Consequences would Attend us in the Loss of that good Law.

I shall not here enumerate what other affaires we are to concert this Sessions of Assembly but will leave you to proceed in the usual way of Conference and Message, being ready to Joyn wth you wherein we may promote his Ma^{tys} Service on which Depends the Good of this Province.

Mr William Taylard sworne Clk of the House of Delegates took the Oaths Subscribed the Test & Associacōn

The Board adjourned till 9 of the Clock to morrow morning.

Saturday April the 27th 1700.

The Councill Sate present as yesterday.

p. 10

Came James Frisby Esq. and was Added.

It being represented to the Board that Cap^t Bradshaw Comander of the Ship of London who the last Sum̄er Imported Negros into this Province had before he made Reporte and Entry of his Ship ran Twenty Two negros on the Shore side in Dorchester and Somersett Countys without Giveing any acc^t thereof and that Mr George Bayns who lives att Mr Dashells in Wicocomico River Cap^t John Taylor and Mr Henry Hooper of Dorchester County are knowing thereof.

Ordered Therefore That John Pollard Esq^r one of his Ma^{tys} Justices of the Provinciall Court do issue his Warrants and Call before him the said George Baynes, Cap^t John Taylor and Mr Henry Hooper and upon their Corporall Oaths upon the holy Evangelists by him to them to be Administred strictly Examine them of what they know thereof, and their said Examinations with all Convenient Speed to Transmitt to his Excellency the Govern^r

Signed p order W Bladen Cl Concil

Cap^t Hill and 9 other members from the house who bring the following Answer to what his Excellency was pleased Yesterday to say unto them viz^t Original Journal.

May it please your Excellency

P. 11

We have Observed the progress of your Ex^{cy}'s Governm^t and Gratefully Acknowledge yo^r Sincere Endeavours for the Good of his Ma^{ty}s Liege People in this Province and without any jealousies Assure our Selves the same for the future.

We are Extreemly Satisfyed to have your Excellency Acknowledge our Actions in the last Sessions to have been to your Satisfaction. We Assure your Excellency We are Come againe with the same Candid and Honest Resolution, inviolably to Maintaine the Same Good Agreem^t and right Understanding which hath hitherto been betwixt us, and Confess have had Convincing proofs of Your Excellency's regard for the Province in Generall and every one of us in p^ticular. We Thankfully Acknowledge your Excellency hath managed the Affairs of this Province with the least Charge and Expence that could be your Government hath been Discreet Just, easy and most Acceptable to us all, & if any difficultys Come upon this Province and us, we will never Seditiously, factiously nor with Anger & reflections Secretly murmur and Grumble but wth upright & honest hearts According to our Duty with Candar and freedom in Proper Place will represent such Grievances to yo^r Excell^{cy} being entirely confident of your Excell^{cy}'s Redress and in the mean time we have no apprehencon that any Difficulty will be to us by yo^r Excell^{cys} Procurement.

The Glory of God & the advancem^t of this his Ma^{ty}s Province and Good Correspondency with our neighbouring Colonys shall be our Endeavours, And if his Maty hath been pleased to Repeale the present Act for Establishing the Protestant Religion Yet will we not be discouraged but Endeavour by Your Excellencys Conduct to Adjust Matters so Agreeable to his Ma^{ty}s Pleasure & the Generall Satisfaction of this Province That we hope his Ma^{ty} will att Length by Law Establish Religion amongst us According to the Church of England, That our Children and Posterity being preserved in the Unity of the Church from faction and Schism in honesty and Charity, may become Good and Sober men, Loveing Virtue flying Vice the rational Consequence of True Christian Doctrine, which God preserve amongst us, We never had the lest Apprehension of his Ma^{ty}s Obstructing our Liberty and we have Sufficient Assurance of his Royal Attchievements for the preservation of it if it be any time unjustly Obstructed, We are Assured that such Obstruction proceeds not from his Ma^{ty}, p. 12

Original the whole Course of Whose Governm^t proclaims his Good-
Journal. ness to his subjects Neither have we any fear of yo^r Excel-
lency's Perverting his Ma^{ty}s Instructions. We Acknowledge
p. 13 you have represented his Ma^{ty}s Clemency & Discreetly man-
aged the Prerogative and are truly Sensible of our own hap-
piness under your Excellency's Government of which we
heartily wish the Continuance

About the affairs that may happen to be Considered of
this Sessions; Since your Excellency Leaves it to us we will
be willing to proceed in the usuall ways of Conference and
Message and Desire to Decline all Strife and Contention
without any Jealousy or suspition with one heart to promote
his Ma^{ty}s Service, from which the true Interrest of this Prov-
ince canot be sepate.

Whereupon was sent to the house.

By his Excellency the Governo^r and Council in Assembly
Aprill 27th 1700

Gentⁿ

You haveing not onely Ingeniously but So Candidly Ex-
prest yourselves in Answer to what his Excellency was Yeas-
terday pleased to say to you (which is here very kindly rec^d)
this Board Cannot have any Apprehentions but that you
will Cheerfully Exert your utmost Endeavours this Session
to Approve yo^r selves worthy of the Hono^r & happiness
p. 14 you have to profess yourselves Good Christians and his
Ma^{ty}s faithfull Subjects and therein first to Consult the Hono^r
and Glory of God.

Whereupon his Excellency is pleased to recomend to your
Consideration his most Sacred Ma^{ty}s order in Councill here-
with sent you And that you would Apply Yourselves to
Concert Such rules & Measures as may best Establish and
Secure to you and Your Posteritys your Religion (which
att Present by the said Order Seems to be Alltogether
unhinged) and make such Reasonable Laws therefore as
may not meet the least Objection in Passing his Ma^{ty}s
Royal Assent.

Signed p order W Bladen Cl Concil

The Council adjourned 'till Munday Morning 8 of the
Clock

Munday Aprill 29th 1700
The Councill Satt & were
Present

Original
Journal.

The hon^{ble} Col Henry Jowles Col Charles Hutchins

The hon^{ble} { Col John Addison } Ja^s Frisby Esq^r
 { Col John Courts } Col John Hammond
 { Thomas Brooke Esq^r } Col Francis Jenkins

Then read the Petition of M^r Gerrard Slye of St Mary's County Craveing the Consideration of the Assembly for ^{p. 15} some Damages he susteined in the late Revolution by burning his houses, and Entreating the Explanation of the Assembly as to the Act of Limitation in Book Debts &c during his Absence in England.

The said Petition is referred to the Considera^{con} of the House of Delegates.

His Excellency is pleased to represent to the Board that whereas there are two Persons in Prison now under Sentence of Death for Burglary, and forasmuch as he is informed this is the first time they have come upon the Stage for such Misdemeanors and that what they have Stollen is but a Trifle Whether his Ma^{tys} Mercy & Grace should be extended to them.

Whereupon the Board are of Opinion and do Advise that in Case his Ex^{ncy} should be informed of any other evil Practices Comitted or done by them that the Execution be not Suspended but that they be executed for that so many Burglarys are Dayly comitted in this Province that it is absolutely necessary some publiq Example should be made to deterr others from the like Crimes for the future.

Then was Sent to the House the following Message by Col Jowles & Col Hutchins

By his Ex^{cy} the Gov^r & Councill in Assembly
April 29th 1700.

Herewith is Sent you a Copy of a paragraph of his Ex^{ncy} the R^t hon^{ble} the Earle of Bellomonts Letter to his Ex^{ncy} The perusal and Consideracon whereof is recomended to you by this Board, and that for the better Defence & Security of this his Ma^{tys} Province you would propose and advice what meas- ^{p. 16}ures are fittest to be taken in Case any such ill Accident should happen which is of great Consequence & Moment.

Signed p order W Bladen Cl: Concil

Original Copy of part of his Ex^{cy} the Earl of Bellomont's Lre:
Journal.

Wee have had a warm Reporte of a Gen^l Insurrection designed by the Indians in this and all the neighbouring Provinces & Colonyes ag^t the English I prorogued the Gen^l Assembly of this province but yesterday after a Session of nine Days in which short tyme Wee passed twelve Bills into Acts, and have so well provided for our Defence that I fancy the Indians will not be forward to perpetrate their wicked Designe ag^t us or if they be, Wee shall not be taken Tardy, or be killed in our Beds. if my intelligence be true the Indians have been and Still are prompted by the French Jessuitts and other Missionarys to forsake the English for a French Interest & rather then the Jesuits would faile of compassing their End, they have instigated their Indian Proselytes to cut all our throats if they could.

The five Nations are said to be much corrupted & debauched by the Jesuites, but I hope to prevent them Effectually with those Indians & am now in the Way of doing it.

If the five Nations should withdraw their Obedience from the King I fear Virginia and your Province could not Subsist many months where you have no Towns to be a retreat and Security to your people.

Also sent to the House the following Message

By the Gov^r and Councill in Assembly
April 29th 1700

p. 17 His Ex^{ncy} having been pleased to lay before this Board his Ma^{ty}s Ord^r in Councill herewith sent for dividing the Land therein mencōned, it is hereby comūnicated to Your House and in regard the Executing the said Ord^r will create a great Charge It is desired you will give Your Sentiments, Whether the said Charge thereof in Right ought to be borne by the Proprietarys between whom the dispute was, or at the Publick Charge of this Province, His Ex^{ncy} being ready to performe what is enjoyned him when he knows on whome the Charge is to rest.

Signed p order W Bladen Cl Concil

His Ex^{cy} lays before the Board the R^t hon^{ble} the Lords Com^{rs} of Trade & Plantations Lre to him of the 20th of Sep^r last.

And proposed to the Board that some Order might pass for the Sev^l Sherriffs and Constables to take a List of the Inhabitants of this Province viz^t of What Religion as also of what Children Serv^{ts} & Slaves black & White Which his Ex^{ncy} says

he has not as yet been able to procure by reason the Constables & others appointed to take such Lists are so ignorant and illiterate ; but has now sent a specimen to each Sherriffe directing how the said Lists should be taken. Original Journal.

Whereupon Ordered that the severall Sherriffs do take Effectuall Care to returne to his Ex^{cy} such List it being impossible to be effected by the Constables of this Province who are generally poor people that can neither write nor read.

Then was read his Ma^{ty}s Royal Comānds of the tenth of Novemb last relating to Pyrates as also the Lords Com^{rs} of Trade and Plantations Letter to his Ex^{ncy} of the thirtieth of November on Covert to the said Order. p. 18

Came D^r Lookerman and M^r Hicks who bring the following Message from the House.

By the House of Delegates
April the 29th 1700.

This house having read and pused as well the last Message by the hon^{ble} Col^{onel} Henry Jowles and Col Charles Hutchins as alsoe the Ord^r of his late Ma^{ty} relating to running out a Divisionall Lyne between the Right hon^{ble} the Lord Baltemore and the Hon^{ble} Will^m Penn Esq^r And the house having taken it into Considracion humbly conceive that the Publick of this Province ought not to be at any part of the Charge in running this Line.

Wee returne Your Ex^{ncy} our Thanks for comūnicating that Paragraph of the Earle of Bellomont's L^{re} relating to the Indians, which was also read in this house, And Wee have noe apprehension of any Danger from the Enemy yet upon all Occasions Wee shall be ready to with what shall be necessary

Signed p order W Taylard Cl Del

The said D^r Lookerman and M^r Hicks p^rsented M^r Philemon Lloyd as a Delegate of Talbott County, Who took the Oaths appointed by Act of Parliam^t instead of the Oaths of Allegiance and Supremacy and Subscribed the Test & Association.

Came M^r George Plater Nav^l Officer at Puttuxent and made Oath of his Acc^{ts} of Country Duties by him recd.

The Board ad^d untill 8 to mor morning.

Tuesday Aprill 30th 1700

p. 19

The Council Sate P^rsented as Yesterday

Then read the Petition of M^r Robert Carse which was referred to further Consideration

Original Journal. Ordered that some of the Arms which his Excell^{cy} sent for be brought for this Board to View.

The said Arms being brought were Viewed and well approved of, And this Board advise that an hundred more be sent for viz^t fifty musquetts & fifty Slung Carabines with flat Locks the Barrells Sanguined. Advised that George Plater & George Muschamp Esq his Ma^{ty}s Receivers remitt what mony they have in their hands upon Acc^t of the 3^d for Arms to M^r Rowland Tryon Merch^t in London to be lodged in his hands and disposed of for purchasing Arms Am^unition &c. for the Use of this Province according to the Directions of his Ex^{ncy} and this Boarde.

Also advised that Seaven Small Gunns and four Union Flaggs be sent for and purchased out of the 3^d p^hh^d That Wee may shew our Loyall Regards to his Ma^{ty} upon his Birth Day, and hoist a fflagg to any Ship that comes in the harbour.

Then did this Boarde Enter into Debate concerning the Indians and Sent M^r Frisby and Colonel Hamond to the House with the following Proposall

By the Gov^r and Councill in Assembly
Aprill 30th 1700

Herewith is sent you an Account of a late Treaty with the Indians by which they seeme to desire the Friendshipp of the English and to returne to the Land they went from.

Upon this Subject you are desired to Consider 1st whether
p. 20 it be not propper to renew the former Ordinance for deciding any petty Quarrells between the Indians and adjacent English by appointing two Judicious persons near them for that purpose being what his Excell^{cy} hath promised them.

2^{dly} Whether it is advisable to continue the Rangers on the Frontiers after the Indians shall come in and Settle or not, and if continued what Number, and here Wee must inform You that his Ex^{ncy} hath thought fitt the last Winter to lessen the number from twenty to tenn Which has saved the Country a considrable Charge and Expence.

3^{dly} If the said Rangers do returne and settle as before whether it may not be advisable to cause that new built Fort to be demolished for prevention either of these or any other Indians resetling the same, and that you will concert the Method of doing and bearing the Charge thereof.

4^{thly} In regard these Indians are not yet actually come in, whether it be not advisable to appoint a Standing Committee of Your house to joyne wth his Ex^{ncy} and Councill for the Safety of the Province in Case of any Emergency as formerly.

5 Whether it be not requisite to renew the former order to some psons to treat with those Indians at the head of the Bay since the persons before appointed have done nothing therein, which is believed here to be a matter of great Consequence. Original Journal.

Signed p order W Bladen Cl Concil.

Colonel Courts and Colonel Jenkins sent with the following Message viz.

By his Ex^{ncy} the Gov^r & Councill in Assembly
Aprill 30th 1700

p. 21

Herewith is sent You a Copy of his Ma^{tys} Royal Instructions to his Ex^{cy} relating to Store Houses for Keeping and Securing of Publick Arms and A^mmunition. Whereupon it is reco^mended to your considration and care to provide some convenient House in this Towne for a publique Storehouse to receive and secure the Publick Arms and A^mmunition of this Province upon their arrival from England, And that Some person be appointed to take accompt of, look after & Cleane the said arms; for that Severall of them for want thereof are much dampnified by rust &c And the Cartouch Boxes Belts and Sword Scabbards Eaten by the Ratts, sevrall of the Arms lost and the Powder lyes in a very dangerous manner, noe particular Person having the charge upon them

Signed p Order W: Bladen Col Concil:

Copy of his Ma^{tys} Instruction

You are to take Especial Care that fitt Storehouses be settled throughout that Province for receiving and keeping Arms and A^mmunition and other Publick Stores.

N: Blakiston Signd p Ord^r

M^r Will^m Dent his Ma^{tys} Att^{ry} Gen^{ll} acquaints the Board that whereas the house of Delegates have Sent out their Co^mittee of Laws to draw up an Act for the Establishm^t of the Protestant Religion they desire him to assist their said Co^mittee w^{ch} he is ready to do with his Ex^{cy}s good Leave.

His Ex^{cy} is pleased to order him to assist that Co^mittee

This Board adjourned till 8 of the Clock to mor morning.

Wednesday May the 1st 1700

p. 22

The Councill in Assembly Sate P^rsent as yesterday saving Colonel Henry Jowles who is very sick.

Original Journal. L^t Colonel Ennals and L^t Colonel Smallwood bring the following Message from the House viz.

By the house of Delegates April 30th 1700

The Message by the hon^{ble} Colonel Courts and Francis Jenkins Esq^r relating to Storehouses for keeping & Securing the publick Arms and Am̄nition &c. and the other message by James Frisby Esq and Colonel Hamond about the Indian Affairs was here received & read. And this house humbly pray your Ex^{ncy} will be pleased to appoint some of the Gentⁿ of the Hon^{ble} Council to conferr with some Members of this house as well to consider of what is in the said Messages recomēded to this house as alsoe of some Convenient place to secure the Publick Library of this Province. This house having appointed Major James Smallwood Major Thomas Ennalls M^r Philemon Lloyd Major Walter Smith M^r John Wight & M^r Sam^l Young to joyne in such Conference and to attend such of his Ma^{ty}s Council as your Ex^{ncy} shall appoint at such time & place as they shall direct.

Signed p ord^r W Taylard Cl Del

M^r Frisby and Colonel Jenkins sent with the following Answer.

By his Ex^{ncy} the Gov^r and Council in Assembly
May 1st 1700

According to the houses Request Col: Addison, Colonel Courts and Col: Hamond are appointed by this Board to joyn in Conference with the Gentⁿ of the house of Delegates at M^r Freemans about 2 of the Clock in the Afternoon.

Signed p order W: Bladen Cl Concil.

The Board adjourned untill 9 to mor morning.

Thursday May the 2^d 1700

The Council Sate p^rsent as yesterday

Colonel Jowles added.

Came Dr. Jacob Lookerman & Major Walter Smith who bring from the house of Delegates, the following proposed Ordinances viz.

By the House of Delegates May 2^d 1700

Original
Journal.

Ordered that the Navall Officers of Puttuxent and Annapolis pass an Acc^t of their Publick dues arising from Shippes that go to the Eastern shoare after they have Entred with them, to the Publick Trea^{ter} of the Eastern shoare, And for Publick Dues arising from Shippes that remayne at the Western shoare to the Publick Treasurer of the Westerne Shoare, that each Treasurer may have the just p^rquisites of his Office.

And forasmuch as M^r Sam^l Young A member of this house lives in or neere the Center of the Western shoare and neer the Port of Añapolis.

Ordered that he be assigned and appointed Publick Treasurer for the Western shore, instead of M^r Robert Mason (Whose habitation being at one side of the Province makes it difficult for p^{ersons} concerned to have recourse to him) if his Ex^{cy} and Councill Consent thereto

Signed p order W Taylard Cl Del

Eodem Die Assented to by his Ma^{tys} hon^{ble} Concil

W Bladen Cl Concil

Also By the house of Delegates May 2^d 1700

Ordered that the respective Military Officers be and are enjoyned to take Care that the Country Arms in their Severall Countys be forthwith well and Sufficently fixed and cleansed And that the charge thereof be borne and defrayed by the respective Countys if your Excell^{cy} and Councill shall think p. 24 fitt to concurr herewith.

Signed p order W Taylard Cl Del.

The which was likewise assented to by his Ma^{tys} hon^{ble} Councill and sent to the house with the other ordinance concerning M^r Youngs being Public Treasurer of the Western Shoare by M^r Tench & Colonel Hutchins.

Then read the Petition of John Price of S^t Marys County Carpenter, Which not being thought proper for the Cognizance of this Board, the Pet^r is referred to the Courts of Law for his Reliefe.

The Board is adjourned untill nine of the clock to mor. morning

Friday May the 3^d 1700.

Councill Sate present as yesterday.

Came Major Walter Smith & M^r Elisha Hall who present M^r William Parker to be sworne a Delegate for Calvert

Original
Journal.
p. 126 County. Who tooke the Oaths appointed by Act of Parliam^t instead of the Oaths of Allegiance and Supremacy & Subscribed the Test & Association.

Read a Petitionary Bill for Confirming One hund^d Acres of Land given by Cap^t Rich^d Ladd of Calvert County deceased to the ministry of Christ Church in Calvert County afs^d Which Bill was sent to the House of Delegates by Col Hammond and Colonel Jenkins.

The Petition of Joseph & Mary Vansweringen Exec^{rs} of M^r Garret V'sweringen of S^t Marys County deceased praying a Bill might be pas^t for selling Lands late of M^r John Llewelin & M^r Sam^l Withers for paym^t of their just Clayms from those Estates was read well approved of & recom^{ended} to the house.

Came the hon^{ble} Robert Smith Esq^r & was added to the Boarde.

p. 25 His Ex^{ncy} acquaints the Board that he had, to prevent the Charge of calling the Co^mittee appointed to concert Methods for the defence and security of this Province, lent the Country two hund^d pounds Sterl by Bills of Exch. which he sent to Colonel Addison to pay off the Rangers.

Ordered by the Board that the honb^{le} Tho^s Tench Esq^r go and acquaint the house therewth

Also sent by the honb^{le} Tho^s Tench Esq^r the s^d Petition last Menconed.

Then read the Petition of several Merch^{ts} trading in Potomack River representing to his Ex^{ncy} and the Councill what great Inconveniencies they are put to by means of the great Distance between the aboade of the p^rsent Coll^r & Navall Officer assigned for that District. Which being Considered was ordered to be thus endorsed

By his Ex^{ncy} the Gov^r & Councill in Assembly
May the 4th 1700.

Upon Consideration of this Petition as well for securing his Ma^{ty}s Dues and p^rventing Frauds and for dispatch of Trade it is ordered that the Collector be and is hereby obliged to appoint & keepe a Deputy in the Upper part near the Nav^l Officer, and the Said Naval Officer in the like manner to keep a Deputy neere the Collector, who are hereby charged & required dilligently to attend their Duty so that no fraude or false Trade be Suffered in any part of the s^d River.

Signed p order W Bladen Cl Concil

Sent to the House by M^r Tench

The Board adjourned untill 8 of the Clock to mor morning

Saturday May 4th 1700

Original
Journal.
p. 26

The Councill Sate present as yesterday.

Came the Reverend Dr Tho^s Bray, his L^{dp} the R^t honble and Right Reverend the Lord B^p of Londons Comissary within this province, and Says he becomes a Supplicant to this Board on behalf of Major Edward Dorsey upon Acc^t of a Fine imposed on him the last Session of Assembly, and Says he does not Question the Justice of the Generall Assembly in imposing that Fine; But forasmuch as the s^d Major Dorsey has a great Charge of a Wife & twelve Children the most of them being very small, prays that his Ex^{ncy} & the Gen^l Assembly would extend their Charity either in remitting the said Fine or otherwise easing the said Major Dorsey in the payment thereof, and desires that this his moving therein may not be taken amiss being as he hopes a matter of Charity and agreeable to his Function.

Upon which mocon of the said Dr Bray Major Dorseys pet. was recomended by this Board to the Consideracon of the house of Delegates.

The Petition of M^r James Stoddert about some Deere Skins agreed to be p^d by the Piscattaway Indians for his negro killed by unknown Indians read and referred to the house of Delegates.

Cap^t Hill and tenn other members bring from the House A Bill for the Service of Allmighty God and Establish^{mt} of Religion in this Province according to the Church of England.

The said Bill was read and ordered to lye upon the Table. p. 27
His Ex^{ncy} was pleased to lay before the Board the Proceedings and result of his Ma^{tys} L^t and Governour Gen^l of the Colony of Virginia and his Ma^{tys} honble Councill thereof of the 22^d ffeb^{ry} 1699.

Wherein his Ma^{tys} Councill of Virginia are of Opinion that it would be for his Ma^{tys} Service Cap^t Peter Cood Comander of his Ma^{tys} Advice Boat Messenger now in this Province should in the su^mer tyme be down in Virginia with the Vessel under his Com^{mand}, to be there joyned with the Essex Prize for Defence of the Coaste, And represent it for his Ma^{tys} Service that his Ex^{ncy} would be pleased to write to the Govern^r of Maryland to desire him that he will lett her be downe in Virginia about the begining of May Instant, And that his Ex^{ncy} would give such directions to the said Cap^t Coode as to him would seem propper for the well Maning the said Vessell out of the Shipp in Maryland for that it would not be possible to procure her any Supply of men after she should come there, being most of the Shipp would be sayled, or if they were not, His Ma^{tys} Shipp the Essex prize already in Virginia would take up all the men that could be spared from them to compleat

Original her Compliment. Which s^d Proceeding his Ex^{ncy} the Gov^r &
Journal. his Ma^{ty}s honble Councill in Virginia being read & mature &
due Consideration had thereof

p. 28 The Council are of Opinion that the s^d Cap^t Coode and the
Vessell under his Comand may be very Serviceable to his
Ma^{ty} in this Province in detecting fowle Traders here; but since
that she is so small a Vessel & of no force having only four
small Gunns she can be of noe defence to the Coast, which at
p^rsent seems to be pretty well guarded by the late Arrivall of
his Ma^{ty}s Shipp the Shoram, a Shipp of good force and Count-
enance, neither is she so fitt to goe out of the Capes now hav-
ing only two months Provisions on board and being so very
small that she will be scarce able to get in againe And if that
she should be only made use of to lye at Point Comforte the
Worm biting more there than in this Province, shee would be
mightily endangered if not utterly destroyed thereby; However
if any materiall Occasion should happen wherein she may be
Usefull, there advise his Ex^{ncy} upon Notice to give such neces-
sary Orders as he shall thinke fitt it being Considred that her
Number of men may perhaps be usefull, Otherwise that she goe
up to Turkey Point to avoyd the Worme.

Ordered that a Copy hereof be transmitted to his Ex^{ncy} the
Gov^r of Virginia.

This Board adjourn'd untill Monday morning at Eight of the
Clock.

Monday May the 6th 1700

The Councill in Assembly sat P^rsent as on Saturday last
saving Colonel Jowles who is excused being sick.

The Bill for the Service of Allmighty God & Establish^{mt} of
Religion in this Province according to the Church of England
read the 2^d tyme and passed, and sent ty the House of Dele-
gates by Colonel Addison M^r Frisby M^r Brooke and Colonel
Jenkins with this Message viz^t

By the Gov^r & Councill in Assembly
May 6th 1700

The Bill for the Service of Allmighty God & Establish^{mt} of
Religion according to the Church of England &^c has been
here twice read and is very well approved of, And thereupon
It is further recomended to your Consideracon whether it may
not be propper to address his most Sacred Ma^{ty} to give his
Royall assent thereto as now proposed

Signed p Order W Bladen Cl: Concil

W Bladen Nav^{ll} Offic^r of the Port of Annapolis swears to his acc^t of Country Dutys Original Journal.

M^r Mason swears to his acc^t as Treasurer of the Western Shoare Col. Thompson & Cap^t Hoskins being present from the house of Delegates.

Came M^r Elisha Hall & L^t Colonel Whittington who bring the Petitionary Bill for confirming the Glebe Land to Christ Church in Calvert County read the first tyme & amended by the House of Delegates. p. 30

Which was again here read and the Amendent thereupon proposed by the House agreed to.

And sent back to the House (together with M^r Lynes Petition) by James Frisby & Robert Smith Esq^r

Moved at the Board that in reguard M^r William Dent his Ma^{ty}s Att^{vy} Generall has been very ready and Serviceable to his Ma^{ty} in that imployment for which he has no Sallary settled upon him, neither as yet has had any Reward therefore.

Proposed that the Fine of twenty pounds Sterl imposed by the Provinciaall Court on M^r Gabriel Parrott be assigned & paid to the said M^r Dent.

Whereupon this Board being sufficiently sencible of M^r Dents readiness and Service in that Station upon all Occasions, and that by his Officiating therein he hath concluded himselfe from receiving many proffitable and Valuable Fees which he might have received had he not been in that Station.

Ordered therefore that the s^d Fine of twenty p^{ds} Sterl be assigned and paid to the said M^r Will^m Dent towards the Recompense of his Services.

The honble Col^{onel} Jenkins complayns ag^t M^r Sam^l Worthington one of the Attorneys of Somersett County Court of his ill behaviour in his Station his Prodigality and insolent affronts offered to the said Col^{onel} Jenkins.

Major Walter Smith and M^r Tho^s Hicks bring from the House to his Ex^{ncy} as followeth viz.

May it please yo^r Ex^{cy}

p. 31

Your Letter sent by Col^{onel} John Addison and Tho^s Brooke Esq^r Relating to Tob^o Hh^{ds} we received Wherein Wee observed your Ex^{cy} Sencible of some disadvantage by the great Weight of them so that you have not the full Benifitt of your Revenue arising upon hh^{ds} of Tob: and yet that your Ex^{ncy} is pleased to have them weigh 500: It were very difficult how to propor^{con} paym^t according to the particular Weight of every hh^d and wee believe by good Computation that hh^{ds} not exceeding the lawful Gage (considring further that more are under the Gage) will not one with another conteyne 500 lb w^t Tob^o And for p^e-

Original Journal. venting future disadvantage to your Ex^{ncy} and others by the unreasonable bigness of Casque, We are p^rparing a Bill to remedy it.

Signed p ord^r W Taylard Cl Del.

May 6th 1700

The said Major Smith and M^r Hicks bring downe a Bill for Quieting differences between the English and Indians which was read the first & second tymes L^t Col Smallwood being added according to his Ex^{ncys} promise to the Indians

They also bring the following Ordinance viz.

By his Ex^{cy} the Gov^r and Councill in Assembly

May the 4th 1700.

The petition of M^r William Bladen having been here read and considered and this Board finding that the petitioner has been at Great Charge & trouble in procuring the printing press Letters papers Inck printer &c. We do reco^mend the same to the house for their Considera^{con} and Encouragem^t, And that for the Promotion thereof Ann Ordinance pass that after p. 32 the 10th Day of Sep^t next, no other be made use of but such as are by him printed save only special Writts wherein are various recitals &c. And that all Bayle Bonds Letters testa^{ry} Letters of Admicōn &c Citations Sumōns &c be printed and none other made use of they being allways to be had Viz the Writts Citations and Sumōns at one penny or one pound of Tob^o p piece and the L^{res} Testa^{ry} Adracōn Bayle Bonds &c at 2^d or 2 lb Tob^o a piece

Signed p Order W Bladen Cl Concil

May the 6th 1700

By the House of Delegates.

Assented to and Ordered accordingly provided the pet^r give Sufficient Caution to his Ex^{ncy} not to print any other Matters but what shall be first Lycensed by his Ex^{ncy} the Gov^r or Some other person that shall be by him appointed.

Signed p Ord^r of the House of Delegates
W Taylard Cl Ho. Del.

This Board adjourned untill to morrow morning at 8 of the Clock

Tuesday May the 7th 1700

Original
Journal.

The Council in Assembly Sate p^rsented as Yesterday saving M^r Tench.

A Bill for Establishing and making valid the last Will and Testam^t of James Tyer of Charles County read the first tyme and sent to the House by Col^{onel} Courts.

This Board taking into Considracon that the Church intended to be built at the Towne of Annapolis is wholly neglected and delayed.

The following Message sent to the House viz^t

By the Councill in Assembly
May 7th 1700

p. 33

Vpon Inspection of the former proceedings & Journalls of Assembly, It appears that consid^ble Sumes of mony have been raised for building a Church in Annapolis; but that the Care and Charge of applying that money to the designed use is not settled in any persons certeyne, that may at any tyme treat contract, and agree wth p^{ersons} willing to undertake the building, which p^{re}vents the perfecting so noble and good a designe It is therefore recomended to your Considracon whether it may not be advisable to make application to his Ex^{ncy} his Ma^{ty}s Gov^r of Virginia in whose hands the Said mony remayns that his s^d Ex^{ncy} will please to call the said mony to be lodged in some safe hand or hands in Maryland ready to be made use on when Occasion And that You will intrust some p^{erson} or p^{ersons} to receive the said money treatate and agree wth any Undertakers, and upon Such Agreem^t and p^{er}formance to pay them out of the Said mony as agreed for

Signed p order W Bladen Cl Concil

Then came M^r Bozmane & five other Members from the house who bring the Bill for the Service of Allmighty God and Establish^{mt} of Religion in this Province according to the Church of England. And The petitionary Bill for Confirming the Land given by Cap^t Ladd to Christ Church in Calvert County

Which s^d Bills were read the third tyme & Assented to & then Sent to the house by Col: Addison Col Courts & M^r Brooke & M^r Tasker, who being just now come to Town tooke his place at the Board

Came M^r Philemon Lloyd and M^r Walter Campbell and brought from the House viz.

p. 34

Original
Journal.By the House of Delegates May 7th 1700

Read a Bill for the present Security of the Frontier Plantations of this Province ag^t the Incursions and Violence of Indians

Upon reading the same Objection was made ag^t the whole Bill; And it was proposed by a Member of the house; That consid^ring that his Ex^{ncy} had lately made a peace with the Indians, Whether it were not more reasonable at this very Juncture upon this present renewing the Peace, instantly to withdraw the Rangers, intirely to lett the Indians have all assurance that may be that Wee designe firmly to observe our promises & Expect the Same Observation from them. And to give them no Occasion of Diffidence, to leave the Fort to the Indians owne disposing, to do them all the Right they can require by letting them quietly enjoy their Lands, to Secure the Friendshipp of the Susquehannah and Eastern Shoar Indians and to renew Effectively an Order for laying out the Choptanck & Piscataway Indian Lands, or to go on with the Bill, Upon debate It was put to the Vote whether the house should go on with the Bill, or should adhere to the proposals. And carryed by Majority of Voices ag^t the Bills—And that this Vote may be made knowne to his Ex^{ncy} in Answer to the Message from his Ex^{ncy} and Councill, by the Hon^{ble} James Frisby & Colonel Hamond of the 30th of Aprill last.

Signed p Ord^r W Taylard Cl Del

The Board adjourned till 8 of the Clock to morrow Morning

Wednesday May the 8th 1700

The Councill Sate present as yesterday

And the Message last night from the house by M^r Philemon Lloyd and other Members being taken into Consideracon the following Answer was sent thereto

By the Council in Assembly
May the 8th 1700

In Answer to the houses Message Yesterday by M^r Philemon Lloyd & M^r Walter Cambell, as to the disbanding and calling in the Rangers, It is the Opinion of the Majority of this Board that it is advisable that the Rangers be kept out and not taken off least the Inhabitants on the Frontiers upon any suddaine or Violent Accident should withdraw & desert their Plantations; yet if the House of Delegates are

desirous to have them disbanded, This Boarde will not obstruct the Same nor can they be answerable for any Mischiefe that may happen for want of them. ^{2^{dly}} As to renewing the Order for running out the Choptanck and Piscattaway Indian Lands

Advised that the Same be effectually renewed and all Acts of Justice done them

^{3^{dly}} That the Friendshipp of the Susquahannah & Shav-anore Indians be secured by making a treaty with them, they seeming to be of considerable moment and not to be slighted

^{4^{thly}} That as to the disposing of the Forte It be left to his Ex^{cy} all things of that Nature being lodged in him

^{5^{thly}} Lastly it is proposed that the house renew their Ordinance for the Committee appointed the last year to meet upon any suddain Occasion that may happen

Signed p order W Bladen Cl Concil.

Sent by Col Hutchins and Col Hamond

Then came M^r Philemon Lloyd and D^r Lookerman Who p. 36 bring up two Bills

One for lessening Talbott County and constituting a County by the name of County which was read and rejected.

The other being a Bill renewing the Temporary Laws was read and sent to the house by M^r Frisby and M^r Tasker.

Colonel Beal's petition read Complaining against M^r Clement Hill Junior his Ld^{ps} Surveyor of Prince George's County that the said Hill had refused to returne his Certificate of Lands, and had returned a Certificate to his owne use.

Thereupon it is recomended to the houses Consideracon, And if they find what is alleadged in the petition to be true, It will be verry requisite they make some order thereupon to prevent such ill practices for the future.

M^r Sanders & Cap^t Phillips come from the House and present Colonel Will^m Pearce to be sworne as a Delegate of Cecill, Who tooke the Usual oaths & Subscribed the Test & Association.

They also bring the following Message—Viz.

By the House of Delegates
May the 8th 1700

The Message Yesterday by Col Addison, Col Courts & Tho^s Brooke Esq^r relating to the mony raised for building the Church was here read and the house concurr therewith,

Original Journal. And it's resolved that the money be lodged in Maryland in the hands of his Ex^{cy} the p^rsent Governo^r Colonel John Addison Tho^s Brooke Esq^r Colonel John Hamond and Thomas Tasker Esq^r And full power is given them by this house to receive the said money treat and agree with any undertakers for building the Church & upon such agreem^t and performance to pay them out of the s^d money as agreed for

Signed p ord^r W Taylard Cl Del

p. 37 In answer Whereeto.

By his Ex^{ncy} the Govern^r & Council in Assembly,
May the 8th 1700

In answer to the Message by M^r Sanders and Cap^t Phillips relating to the Church, the Gentlemen proposed to be entrusted are very desirous to promote the Building of the said Church and willing to do their Utmmost to advance the same: Wherefore they accept of the said Trust, provided the house agree they should lodge the mony when by them received in some able and responsable merch^{ts} hands in London (to be now named by the house) and there to lye till called out of his hands but not at the risque of the Trustees in Case anything should happen to the said merch^t

Signed p Order W Bladen Cl Concil

A Bill for Speedy Tryall of Criminalls read the first tyme and will pass.

p. 138 A Bill for quieting Differences between the English and Indians read the second tyme and sent to the house together with the last Message sent by M^r Smith and Colonel Jenkins.

Upon Complaint of Colonel Francis Jenkins ag^t M^r Sam^l Worthington one of the Attornys of Somerset County Court of irreverent and rude Carriage as well ag^t the Court as the said Colonel Jenkins He is called in and his Ex^{ncy} is pleased to tell him the Complaint requiring of him what he had to say thereupon.

His Answer was that he had Endeavoured to behave himselfe regularly in all respects and will ever doe so.

p. 38 His Ex^{ncy} is pleased to tell him that if any more such Complaints come and appeare he must expect to be severely punished especially if he Affronts Colonel Jenkins or any of his Majesty's honble Councill which Affronts he takes as done to himselfe:

Colonel Thompson and Colonel Whittington brought from the house the Bill for speedy Tryall of criminalls sent from

this Board without Endorsm^t which was Endorsed Read & sent back to the house by M^r Attorney Gen^l as also an Additional Bill about tob^o h^{ds} Original Journal.

A Bill for the Naturalization of Mich^l Bellican & his three sons & Christopher Mounts read & Assented to and sent to the House by Col Hutchins & M^r Frisby.

Cap^t Hoskins & M^r Elisha Hall bring from the house in answer to the Message about lodging the mony raised for building the Church viz.

By the House of Delegates
May the 8th 1700

The Message by the honble Robert Smith & Francis Jenkins Esq^r relating to the Church was here received & read. It is resolved that when the money shall be by the Gentⁿ received they shall lodge the same in the hands of M^r Micajah Perry & Comp^{ny} Merch^{ts} in London there to lye at the Risque of the Country till it be called out of their hands by the Gentⁿ intrusted

Signed p order W Taylard Cl Del.

The s^d Cap^t Hoskins and M^r Hall also brought a Bill for reviving some temporary Laws of this province, which was read and Assented to by his Ma^{ty}s honble Councill.

Came Colonel Thompson and M^r Walter Lane who brought the following resolve of the house viz.

By the house of Delegates
May 8th 1700.

p. 39

It is resolved by this house that his Ex^{ncy} be addressed to shew them an Account of the 3^d p^{ar} h^h^d appropriated for Arms. This house therefore humbly pray his Ex^{ncy} that such Acc^t (if ready) may be produced to this house for their Inspection.

Signed p Order W Taylard Cl Dom Del.

The said Colonel Thompson & M^r Lane also brought a Bill for security of the Frontier Plantations which was read passed and sent to the house with his Ex^{ncys} answer to their Message by Colonel M^r Smith & Col Jenkins.

Gentⁿ Your message by Colonel Thompson I received wherein you are desirous to be informed how the 3^d for Arms is disposed of. I am with his Ma^{ty}s Councill here directed to

Original appropriate it to the s^d use. But if it may be any Satisfaction
Journal. to You shall not be kept in the Darke in that or any thing
else may be for Your Information. I am

Gentⁿ Yo^r humble Serv^t
N: Blakiston

This Board adjourned untill 9 of the Clock to morrow morning

Thursday May the 9th 1700.

The Councill in Assembly Sate P^rsent as yesterday with the Addition of Colonel Jowles.

The petition of Major William Barton high Sherriffe of Prince George County read Signifying that Whereas he had an unknowne Indian committed to his Custody by Virtue of a Warr^t from one of his Maj^{ties} Justices of the Peace of that County he had appled himselfe to the house of Delegates
p. 40 craving allowance for the Imprisonm^t Fees which they utterly refused: He therefor prays to be relieved therein.

Ordered the Said Petition be thus Endorsed

Recom^oended to the house that they will again take into Consideration the Petition, for that it appears the said Indian was legally com^omitted to the said Major Bartons Custody, and he could not refuse taking Care of him.

It being moved at the Board whether it be expedient this Gen^l Assembly after the End of three years should be dissolved or longer continued, Advised that they be dissolved for the Generall Satisfaction of the Country.

L^t Colonel Ennalls & Major Walter Smith bring from the house The Bill for Speedy Tryall of Criminalls &c.

The Bill Establishing & making valid the last Will & Testam^t of James Tyer.

The Bill for the present security of the Frontier Plantations from the Incursions & Violence of Indians &c.

A Bill for naturalization of Michael Bellican & others &c.

A Bill repealing certain Laws and confirming others which were Assented to by the Boarde and returned to the house by M^r Smith & Col: Hamond.

L^t Col: Smith & Colonel Thompson bring the Journall of the Co^mmittee of Accounts.

Resolved & advised that when the Assembly is prorogued it be only from two months to two months

The Journal of the Co^mmittee of Acc^{ts} read and Assented to.
p. 41 M^r Sanders & five other Members of the house of Delegates bring from the house the following proposed Ordinances viz.

By the House of Delegates May 9th 1700.

Original
Journal.

Whereas It was proposed by the Comittee of Acc^{ts} that since his Ex^{ncy} hath been so favourably pleased to disband discharge and take of Tenn Rangers from the Garrison or Forte the Charge of which would have amounted to by modest Computation 500^l Sterl: for other Special Services in lessning many former Charges, and comeing into this Province in a tyme of very great scarcity was put to very great Difficultys and yet never reflected on the Province, And being very sencible that his Ex^{ncy} hath not since the last Assembly Subjected us to any unnecessary Charge;

Therefore they make this proposal that a Gratuity of two hundred pounds sterl be given to his Ma^{ty} for the Use of his Ex^{ncy} at laying the Levy if this house concurr therewith

To which the house did concurr.

Signed p Order W: Taylard Clk house Del^s

The same was assented to by his Ma^{ty}s honble Councill & signed p Order
W Bladen Cl Concil:

By the house of Delegates 9th 1700

Whereas the Bounds of the land formerly granted unto Ababcoe, Hardswomp & Tilkwason by Act of Assembly was never run out & Ascertained, by Means whereof, sevrall Differences had arisen between the said Indians & the English touching the same, It is therefore Ordered that L^t Colonel Thomas Ennals the King's Surveyor of Dorchester County doe resurvey the said Lands according to the meets & bounds set downe in the said Act and that L^t Colonel Thomas Smithson of Talbott County Colonel Charles Hutchins, Major Jacob Lookerman M^r Thomas Hicks & M^r William Misshew of Dorchester County are hereby appointed & impowered to assist and direct the s^d Surveyor in the running out of the same, & that noe P^rson presume to settle or live on the said Land so run out without it be by the Gen^l Consent of the said Indians, and that the same be done with all convenient Speed and a faire Certificate & Plat of the same returne to the next Sessions of Assembly

Eodem die Signed p Order W Taylard Cl Del.

The same was Assented to by his Ma^{ty}s Councill & Signed p Ord^r
W Bladen Cl Council:

By the house of Delegates May 9th 1700

Ordered that if Major Edward Dorsey at or before the next Provincial Court shall convey and make over to his son

Original Journal. Dorsey a reall Estate Equivalent to the Lott and houses which his said son hath at Añapolis formerly in the occupation of James Cullen at his propper Cost & Charge, and shall at his propper Cost & Charge sufficiently new cover and repair the said houses and at the same County Convey the said Houses & Lott to his Ma^{ty} for a publick store or Magazine then his Fyne of two hundred pounds shall not be levied, And the Attorney Gen^l is hereby ordered to see such Conveyance drawne & dispatcht according to Law for which he shall be satisfied by the Publick

Otherwise the said Fine to be levied

Signed p order W Taylard Cl house of Delegates

Eodem Die Assented to by the Councill in Assembly

W Bladen Cl Concil

The said Ordinances being Assented to were sent back to the house with an Answer from his Ex^{ncy} the Gov^r concerning the Gratuity of 200 lb by Colonel Jowles Col: Addison Colonel Courts M^r Brooke & Colonel Hamond viz

Gent^a

I am glad you seem to have so good an Impression of my Actions, and I will allways bend them to your Service, & ever esteeme my selfe obliged for all marks of respect You shall thinke me deserving of,

thô your Regards seem to be retrenched to what they were when I was a Stranger to you; But notwithstanding Gent^a I will allways vigorously assert what I have so often promised in being as good a Steward for you as I can which will consequently tend to the Gen^l Satisfaction of the Province

Gent^a Your most obliged

faithfull humble

Serv^t

N: Blakiston

p. 44 The said M^r Sanders & other Members of the House brought a proposed Ordinance for running out the Piscattaway Indian Land according to the direction of Major Will^m Boarman whereupon the following Remarque & answer was sent to the house

By the Councill in Assembly

May the 9th 1700

Although this Boarde cannot but joyne with your house in ascertayning the Indians bounds yet they can by no Means consent to forsake a playne Record that ascertains those bounds to depend on the uncertaine Remembrance & directions of a

deafe old Man as Major Boarman is, Wherefore this Boarde proposes that the said Indians bounds be againe run out as the same Books are expressed on Record in the Councill Books of the Lord Baltimore, And that no Person be pmitted to seate or dwell wthin their Bounds unless such Indians have given their Consent and ratified the same according to former Ordinances of Assembly

Original
Journal.

Signed p Order W Bladen Cl Concil.

Came M^r Tilghman Who brought from the house the following Message and Address to his Ma^{ty} for passing the Act for Establishing of Religion viz

By the house of Delegates
May the 9th 1700

Proposed by a Member of this House whether it be not Reasonable a Copy of the Act for Religion, & the address to his Majesty be Committed to the Care of Doctor Bray to be sent for England, if to his Ex^{ncy} & Councill it shall seem fit

P. 45

Signed p order W Taylard Cl Del

The Bill for assessing the publick Leavye was read at the Board and ordered to be thus endorsed

This Bill will pass leaving out the Clause touching the money & disposing it, for this Boarde hold it not at all advisable to leave the publick Bancke quite Empty especially untill such tyme as the face of affairs is better Settled.

Signed p Ord^r W Bladen Cl Concil.

And with the following Proposal sent to the house by M^r Smith & Col: Jenkins

Proposed that some psons be appointed by the House before they breake up to draw Orders upon the Treasurers for paym^t of the Rangers.

Col Thompson brings the following Message from the House.

By the house of Delegates, May the 9th 1700

Proposed by a memb^r of the house whether It will not bee for the Ease of the Publick that the Prisoners now in Custody come to a Speedy Tryall

Resolved that his Ex^{ncy} be addressed to issue his Ma^{ty}s Speciall Comission for that Purpose when to his Ex^{cy} it shall seeme convenient

Signed p Ord^r W Taylard

Original
Journal.
p. 46 Cap^t Benjⁿ Hall & M^r Walter Campbell bring the Bill for
assessing the publick Charge of this Province, which was read
& assented to, & the hon^{ble} Thomas Brook Esq^r and Colonel
John Hamond are appointed of the Councill to be joyned
with the houses Members.

The house ordered to be acquainted therewith & the Bill
sent back by M^r Frisby & Colonel Jenkins.

Colonel Thompson again brings up the Bill empowering
the Comittee to lay and assess the Publick Levye this year
which was read & Assented to by his Ma^{tys} hon^{ble} Councill &
sent back to the house by M^r Robert Smith

Cap^t M^r Sanders & Cap^t Hill who say they are ordered to
acquaint the Boarde that their House have no further business
lying before them

Col: Courts & Col Hamond sent to require M^r Speaker
and the house of Delegates imediately to attend his Ex^{ncy} in
Councill & to bring wth them what Bills they have to present.

Accordingly came M^r Speaker with the Members of the
House and present to his Ex^{ncy} for his Ma^{tys} assent viz. The
p. 146 several Bills assented to this Sessions—together with an
Address to his Ma^{ty} to Establish the Act of Religion

His Excellency on his Ma^{tys} behalfe pleased to Assent to
the said Laws which he did by Subscribing his Name and
Causing his Majestys Great Seale of this Province to be
affixed thereto

Then Prorogued the Gen^l Assembly untill the 9th day of
July ensuing W Bladen Cl Concil.

London 11th Dec^{br} 1699

Invoice of a parcel of Arms on board the owners adven-
ture Francis Harbin for Maryland on the Acc^t & risque of the
said Province of Maryland.

A Chest cost	£	0..	07..	00
20 Musquetts with best hardened Locks at 21)	21..	00..	00	
Carbines with Ditto Locks at 22)	22..	00..	00	
Carbine belts buff with Swivils at 3/9	3..	15..	00	
1 fine fuzee with Case & Mould	2..	15..	00	
	49..	17..	00	
Cartridge to the Water Side	00..	2..	0	
Custom Coquett & Searchers fees	00..	5..	6	
Wharfridge Portridge, & Boat hire to Ship	0..	6..	0	
Freight & Primidge	00..	1..	0	
	00..	14..	6	
	50..	11..	6	

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, April 26 to May 9, 1700.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

NATHANIEL BLAKISTON,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland

fo. 1

Annapolis the Twenty Sixth day of April in the Twelfth
yeare of the Reigne of our Sovereigne Lord King William
the Third &c^a Annoq Dni 1700

Whereas the Genⁿ Assembly of this Province upon the
Two and Twentieth day of July last was by his Ex^{cy} Nath-
anⁿ Blakiston Esq^r Cap^t Genⁿ and Govern^r in Chiefe of this
Province Prorogued until the 28th day of October last past
and upon further consideration his said Ex^{cy} thought fitt to
prorogue them untill the Thirteenth day of Ffebruary then
following and from thence was further prorogued to this
day

Then appeared in The house M^r Tho^s Smithson Speaker
for St Mary's Citty W^m Taylard for Saint Marys Coun^y Major
John Lowe M^r Thomas Beale for Kent County Major Thomas
Smith M^r John Whittington for Ann Arrundell County Captⁿ
Richard Hill, M^r James Saunders, M^r Samuell Young, for Cal-
vert County, M^r Elisha Hall, M^r John Leech, Charles County,
Major James Smallwood, M^r Phillip Hoskins, M^r Benjⁿ Hall,
M^r Phillip Briscoe, Baltemore County, wanting for Talbot
County, M^r Richard Tilghman for Cecill County, Coll John
Tompson Somersett County, wanting Dorchester County,
M^r Thomas Hicks for Prince George's County, M^r William
Hutchinson, Coll^l Ninian Beale, M^r John Wight, M^r Thom^s
Greenfielde

The house having found severall members wanteing It is
ordered that M^r Speaker issue his Warrant directed to the
Hon^oble Secretary to Issue out Writts of Election to the
Severall Sheriffs following

One Writt of Election to the Sheriff of Kent County to
Elect two Dellegates to Serve instead of M^r Michaell Mil-
ler and M^r Symon Willmore dēcd.

One other Writt to the Sheriff of Baltemore County to
Elect one Dellegate to Serve in the Stead of M^r George
Ashman.

One other Writt directed to the Sheriff of Cecill County to
elect one Dellegate to Serve instead and place of M^r John
Carvill now High Sheriffe

- P. R. O. A verball message sent his Ex^{cy} & Council by Maj^r Thom^s Smith Coll^l John Thompson M^r John Wight M^r Richard Tilghman to acquaint his Ex^{cy} that the house is mett according to Prorogation but cannot proceed for want of a Clerk
- fo. 2 They Return and say they have delivered their message

By his Ex^{cy} the Gov^r & Council in Assembly
Aprill 26th 1700

Gent Understanding by your verball Message by Maj^r Thomas Smith and three other of your Members that your house is mett according to Proclamation of Prorogation to this day, and that you desire to be appointed you a Clerk, his Ex^{cy} is Pleased to leave it to your house to nominate such Clerke and Present him to him for his Approbation, no one having as yett addressed his Ex^{cy} for that office

Signed p Order

W. Bladen Clk Council

Orderd that Capt Rich^d Hill M^r James Saunders M^r Thomas Hicks, Maj^r James Smallwood, Capt Phillip Hoskins, M^r Elisha Hall and Coll^l Ninian Beale goe to his Ex^{cy} and carry the verball message following :—

Being required to signify to his Ex^{cy} that W^m Taylard a member of this house tenders his Service in the Office of a Clerke of this house if his Ex^{cy} shall approve thereof and Grant him Commission for the same

They returne and say they have delivered their message.

Coll. Hutchins and Coll. Jno Addison enters the house and delivers the following message

By his Ex^{cy} the Gov^r & Council in Assembly
Aprill 26th 1700

Since the house have offered M^r W^m Taylard to be their Clerke his Ex^{cy} is pleased to say that he does approve of him to be a fitt and qualified pson for the Execution of that Office and if the house will dispence with his Service is willing to Commissionate him

Signed p Order

W. Bladen Clk Council

- fo. 3 Ordered that M^r W^m Hutchinson M^r James Saunders M^r Samuel Young M^r Benj Hall and M^r John Leech go and acquaint his Ex^{cy} and Council that they willingly dispence with his Service as a Member and prayd his Ex^{cy} would grant him Commission to officiate the office of Clerke of this house.

Who returne and say his Ex^{cy} will Grant him Commission P. R. O.

Coll. Charles Hutchins and M^r Thomas Brooke enter the house and say it is his Ex^{cy}s command that the speaker and the members of this house should attend his Ex^{cy} and his Maj^{ty}s Hono^{ble} Councill at the Councill Chamber

The house adjournes to the Councill Chamber. At the Councill Chamber his Ex^{cy} was pleased to make to the house the following Speech.

Gent. You have now had a yeare and an halfes Experience of me which I hope will confirme you in the truth of what I have publickly assured you of my best Endeavors for yo^r Service which I promise I will allways Justly p^rforme.

I cannott but acknowledge that all yo^r Accōns in our last meeting gave me great Sattisfaction, for it was mannaged with that accord and good agreement that there was not the least shaddow or coulour for any ill disposed people to make any malitious remarques of, and that good understanding which we were so happy at first to create will I hope be mutually p^rserved on both sides: it is my fixed Resolution it shall be inviolably on myne; after which I will give you all the convincing proofs of what I have solemnly averred in my regards for the Province in Gen^l and every one of you in Perticular

Wherefore if you Labour under any difficultys I am ready to redress them and assure you I will suppress all unnecessary charges and Expences to make you easy and have the vanity to believe yo^r Examination of the Publick Accounts will convince you of what I have allready done in that, not having since the last Assembly, which is Tenn Months agoe, entailed Tenn pounds charge upon you or any other Individuall Person in the Province but on the Contrary averted what lay in my power. fo. 4

Gent. Since it is and ought to be the great end of all Gen^l Assemblys to consult the honour of God and the Service of their King and Countrey the Ignominious reporte which is handed about by some leads me to acquainte you of an Order of his most Sacred Maj^{ty} in Councill for disannulling the Law which is entituled the Act for Establishing the Protestant Religion the repealing the said Law gives noe roome to any Person to suggest its being dissassented to upon any other grownds then it mentions you having clogged and loaded it with things of different natures which I hope you will wisely correct without the least hesitation, for we are happy under the Wings and Protexion of a Prince whose delight is to runn the greatest hazards for the conservation of our Propertys, and never yett obstructed his people in Pursuing that blessed name of Liberty: you are sencible how usefull Religion is in the good Government of a Nation or

P. R. O. Province, its the uniteing the People, the keeping men good and deterring them from Comitting rapines of all degrees upon each other; much may be said upon this subject which is not soe proper here and not being my tallent neither is it necessary where I am morrally assured those personsto whom I apply are soe well inclined and are soe good Judges of the fatall consequences would attend us in the loss of that good Law.

Gent I shall not here Enumerate what other Affaires we are to concert this Sessions of Assembly but will leave you to proceed in the usuall way of conference and message being ready to Joyne with you wherein we may promote his Maj^{ty} Service on which depends the good of this Province

fo. 5 Wch being ended his Ex^{cy} was Pleased to deliver to M^r Speaker a Coppy thereof And W^m Taylor haveing taken the Oaths of Allegiance and Abhorrency was thereupon admitted and Sworne Clk of this house at the Councill Board.

M^r Speaker and the house haveing taken their leaves returne to the house and M^r Speaker haveing taken the Chaire

It is ordered that the Clerk deliver Warr^{ts} for ye Writts of Election to the Hono^{ble} Secretary

It is desired by the house that M^r Speaker prepare an Answer to the Ex^{cys} Speech ag^t to morrow morning

The house adjournes till to morrow morning 11 a Clock

Dies Saturnij 27 April 1700

The house mett againe and were p^sent as before with the addicon of Capt Jn^o Worthington for Ann Arrundell County who made his appearance

M^r Speaker brings into the house the Answer to the Ex^{cys} Speech w^{ch} was desired by him to be prepared & w^{ch} was read and followeth viz^t

May it Please yo^r Ex^{cy}

We have observed the progress of yo^r Ex^{cys} Governm^t and Gratefully acknowledge yo^r sincere endeavors for the good of his Maj^{ty} Leige people in this Province and without any Jealousys assure ourselves the Same for the future

fo. 6 We are extremely sattisfied to have yo^r Ex^{cy} acknowledge our Accōns in the last Sessions to have been to yo^r Sattisfaction: wee assure yo^r Ex^{cy} wee are come againe with the same candid and honest resolucōn inviolably to maintaine the same good agreement and right understanding which hath hitherto been betwixt us and confess have had Convinceing proofes of

yo^r Ex^{cys} regard for the Province in Genll and every one of P. R. O. us in Perticular.

We thankfully acknowledge yo^r Ex^{cy} hath mannaged the Affaires of this province without the least Charge and Expence that Could be: yo^r Governm^t hath been discreet, Just, easy and most Acceptable to us all and if any difficulty come upon this Province and us wee will never seditiously, factiously nor with anger and reflections Secretly murmure and Grumble but with upright and honest hearts according to our Duty and Candour and freedome in proper place represent such greivances to your Ex^{cy} being entirely confident of yo^r Ex^{cys} redress: in the mean time wee have no apprehension that any difficulty will be to us by your Ex^{cys} procurement

The Glory of God and advancement of this his Maj^{ty}s Province and good correspondency with our neighbouring Colonys shalbe our endeavor and if his Maj^{ty} hath been pleased to Repeale the p^rsent Act for Establishing the Protestant Religion yett will we not be discouraged but endeavour by yo^r Ex^{cy} conduct to adjust matters soe agreeable to his Maj^{ty}s Pleasure and Gen^l Satisfaction of this Province that wee hope his Maj^{ty} will at length by Law Establish religion amongst us according to the Church of England that our children and Posterity being preserved in the Unity of the Church from faction and schisme in honesty and charrity may become good and Sober men, loveing Virtu & flying Vice the rationall consequence of Trew Xtian Doctrine, which God Preserve amongst us

Wee never had the least apprehension of his Maj^{ty}s Obstructing our Liberty and wee have a Sufficient Assurance of his Royal Atchievments for the preservation of it if it be at any time unjustly obstructed: we are assured that such obstrucon proceeds not from his Maj^{ty} the whole course of whose Governmt proclaims his goodness to his Subjects, nether have wee any fear of yo^r Excellency's perverteing his Maj^{ty}s Instrucons: wee acknowledge you have well represented his Maj^{ty}s Clemency and discreetly managed the Pre-^{fo. 7} rogative and are truely senceible of our owne happiness under yo^r Ex^{cys} Government of which wee heartily wish the continuance

About the affaires that may happen to be considered of this Sessions, since yo^r Ex^{cy} leaves it to us wee shalbe willing to proceed in the usuall way of conferrence and message and desire to decline all Strife and Contention and without any Jealousy or Suspicion, with one heart to promote his Maj^{ty}s Service from w^{ch} the True interest of this province cannott be seperate

Signed on behalfe of the house

Thom^s Smithson Speaker

P. R. O. Ordered that Capt Richard Hill M^r Greenfield M^r Thomas Beale M^r Elisha Hall M^r Richard Tilghman Capt Phillip Hoskins Coll^o John Tompson M^r John Whittington M^r Samuell Young and M^r Wight carry the aforesaid answer to his Ex^{cy} and Councill

Thereupon the house adjournes for halfe an hower

Eod Die

They mett againe and were Present as before

The aforesaid Members returne and say they have delivered their message

It was moved by a member of the house that

Whereas there are Writts for Election of Two Dellegates to serve for Kent County now issued and for that there is noe Justices sufficient to hold Court for that purpose prayed that one of the Justices of that County a member now in this house may be at Present dismiss from his attendance here in order to goe over to his County upon the Election to be made. Thereupon Liberty is given to M^r John Whittington to departe the house upon this occasion who accordingly tooke his leave

Resolved that M^r Elisha Hall M^r John Lowe M^r Thomas Greenfield M^r John Worthington M^r Samuell Young and M^r Phillip Briscoe be a Committee of Election and Priviledge sent out

fo. 8 The house adjournes till Monday morning 11 o'clock

Dies Lunae Aprill 29th 1700.

The house mett againe wanting the following membr^s, Capt Thomas Wauhop, M^r Jacob Moorland M^r Phillip Clarke Decd M^r Michaell Miller M^r Symon Willmore and M^r James Crauford deceased M^r George Ashman deceased M^r Thom^s Sealey and M^r W^m Hemsley deceased W^m Harris Coll^o Hance Hanson both wanteing and M^r John Carvill Sherriff and M^r Walter Cambell wanteing.

The Hono^{ble} James ffrisby Esq^r and Coll^l John hammond enter the house and delivers the following message

By his Ex^{cy} the Gov^r and Councill in Assembly
Aprill 27th 1700

Gent You having not only Ingeniously but soe candidly Exprest your Selves in answer to what his Ex^{cy} was yesterday pleased to say to you, which is here very kindly received This board cannot have any apprehension but that you will

cheerfully Exert your Utmost endeavo^r this Session to approve P. R. O.
 yourselves worthy of the Hono^r and happiness you have to
 profess y^r selves good Christians and his Maj^{ty} faithfull Sub-
 jects and therein first to consult the honor and Glory of God :
 whereupon his Exc^y is pleased to recomend to yo^r considera-
 tion his most Sacred Maj^{ty} order in Councill herewith sent
 you and that you would apply yo^rselfe to concert such rules
 and measures as may best Establish and secure to you and
 your Posterity your Religion (which at P^rsent by the said
 Order seems to be alltogether unhinged) and make such
 reasonable Laws therefore as may not meet the least objection
 in Passing his Maj^{ty} Royall Assent

Signed p Order

W^m Bladen Clk Councill

Resolved by the house that his Ex^{cys} Speech to this house
 and the houses answer thereto with his Ex^{cys} message from
 Councill thereupon be forthwith printed and M^r Speaker is by
 the house desired to lycense the same

Ordered that M^r Tilghman Maj^r John Lowe M^r John Hall
 and Doctor Jacob Lookerman attend Doctor Bray at his fo. 9
 Chambers and returned him thanks for the good Services he
 has done for this province and alsoe for that Excell^t Sermon
 he was Pleased to give us Yesterday

Resolved that this house meet in the morning at Seaven
 and Sitt till tenn then rise to goe to Prayers and Sitt againe
 from two till Six in the Evening

M^r Parker for Calvert County M^r Phillimon lloyd for Tal-
 bott County appeared in the house and tooke their places

The house Adjournes till 2 a Clock Post Mered^m

Eod. Die The house mett againe and were p^rsent as in
 the morninge

Order'd that the Speaker issue his Warrant directed to
 the Hono^{ble} Secretary to send out a Writt to the Sherriff of
 Baltemore County for Election of another member to Serve in
 this house in the roome of M^r Thomas Stayley now high
 Sherriff of the said County

M^r William Parker and M^r Phillimon lloyd come into the
 house and take their places

A member of the house offers severall proposalls for advance-
 ment of money in this province w^{ch} is referred to y^e considera-
 tion of the whole house

Orderd that two Coppys thereof be forthwith drawne out
 and delivered the members of this house that they may take
 further consideration thereupon

P. R. O. Coll^l Jowles and Coll^l Hutchins enters the house and delivers M^r Speaker the following message and Order of his Maj^y about laying out the land between the Lord Baltemore and W^m Penn Esq^r likewise delivered

A message concerning a Parragraph concerning his Ex^{cy} the R^t Hono^{ble} the Earle of Bellymonts Lrē which follows

By the Council in Assembly
April 29th 1700

Gent his Ex^{cy} haveing been pleased to lay before this Board his Maj^s Order in Council herewith sent for divideing the land therein mencōnd it is thereby Communicated to yo^r fo. 10 house and in regard the Executeing the same will create a great charge, it is desired you would Give yo^r Sentiments whether the charge thereof in right ought to be borne by the proprietyors between whom the dispute was or a tthe Publick charge of this Province his Excy being Ready to performe what is enjoyned him when he knows on whom the charge is to rest.

Signed p Order
W. Bladen Clk Council

By his Ex^{cy} the Gov^r and Council in Assembly
April 20th 1700

Herewith is sent you a Coppy of a Parragraph of his Ex^{cy} the R^t Hono^{ble} the Earle of Bellemonts Letter to his Ex^{cy} the perusall and consideration whereof is recomended to you by this board and that for the better defence and Security of this his Maj^{ty}s Province you would propose and advise what measures are fittest to be taken in case any such ill accident should happen which is of great consequence and moment

Signed p Order
W. Bladen Clk Council

Coppy of Parte of the Earle of Bellemonts Lre to his Ex^{cy}

Boston March 1700

We have had a Warme Reporte of a Gen^{ll} insurrection designed by the Indians in this and all the neighbouraing provinces and Collonys against the English I prorogued the Gen^{ll} Assembly of this Province but yesterday after a Sessions of nine days, in w^{ch} shorte time wee passed Twelve Bills into

Acts, and have soe well provided for our defence that I fancy P. R. O.
 the Indians will not be forward to perpetrate their wicked designe against us or if they be wee shall not be taken Tardy or be killed in our bedds: if my intelligence be true the Indians have been and still are prompted by the french Jesuits and other missionarys to forsake the English for a French interest and rather than the Jesuits should fail of compassing these ends they have instigated their Indian Proselites to cut all our Throats if they could, the five nations are said to be much Corrupted and debauched by the Jesuites but I hope to prevent them effectually with those Indians and am now in the way of doeing it if the five Nations should withdraw their obedience fo. 11
 from the King. I fear Virginia and yo^r Province would not Subsist many months where you have noe townes to be a re-treate and Security to yo^r People

Which being read and considered of in a full house it is Resolved that the Publick of this Province ought not in any wise to be burthened with the charge of running out the said line. And as to the Parragraph of the Earle of Bellemonts Letter relateing to ye Indians this, house haveing noe p^rsent apprehension of any danger from the Enemy but on all occasions shall be allways ready to comply with what is necessary

And orderd that a message be drawne up and sent giving his Ex^{cy} thanks for communicateing the same to this house w^{ch} followeth

By the house of Dellegates April 29 1700

This house haveing read and perused as well the last message by the hono^{ble} Coll^t Jowles and Coll^t Hutchins as alsoe the order of his Maj^{ty} relateing to running out a divisionall Line between the Lord Baltemore and W^m Penn Esq^r, and the house haveing taken it in consideration, humbly conceive that the Publick of this Province ought not to be at any parte of the charge in running out such line

Wee returne yo^r Ex^{cy} thanks for communicateing the Parragraph of the Earle of Bellemonts Lettre relateing to the Indians w^{ch} was alsoe read in this house and wee haveing noe present apprehension of any Danger from the Enemy but upon all Occasions shalbe ready to comply with what shalbe necessary

Signed p Order

W. Taylard Clk
house of Dellegates

Order^d that M^r Jacob Loockerman and M^r Hicks carry the said Message to his Ex^{cy} and Councill

The Committee of Election and Priviledges enter the house and doe reporte that they have Examined and inspected the

P. R. O. returns of the Writt for Electing a Delegate to Serve for Tal-
 fo. 12 bott County instead of W^m Hemsley deceased and finde that
 M^r Phillemon Loyd is duely Elected and chosen a Dellegate
 for Talbott County and Indentures returned according to Law.

Thereupon it is Order^d that the said M^r Lloyd accompany
 M^r Loockerman and M^r Hicks to attend the Councill board
 to be Sworne.

M^r Loockerman and M^r Hicks returne and say they have
 delivered their message And the said M^r Loyd is Sworne in
 Councill according to order of this house

Resolved by this house that the Election of John Nutwell is
 not good for that the Writt was not duely Executed according
 to Law Therefore Order^d that Warrant to the honoble the
 Sec^{ry} be sent to issue a new Writt for Election of a Dellegate
 to Serve for St Mary's County instead of the said Nutwell.

M^r William Parker a Member Elected to Serve for Calvert
 County appeareing and being demanded where the Inden-
 tures of this Election were lodged he replied he knew not.

Resolved therefore that Express order be sent to M^r Blake
 high Sherriff of Calvert County comandeing him to bring to
 this house the Counterparte of the said Indentures which
 Order is as followeth

By the house of Dellegates

Aprill 29 1700

Capt. Blake

It Appeareing to this house that M^r William Parker has
 been elected a Dellegate to serve for your County in this
 p^rsent Genll Assembly and for that this house have not the
 returns of the Writt of Election but P^rsume the same is either
 lost or miscarryed, you are therefore required forthwith upon
 Sight hereof to make your personall appearance here and
 bring with you the Counterparte of the said Indentures taken
 at the said Parkers Election that for want of such Deputy the
 business of the province may in noe ways be hindred or de-
 layd

Signed p Order W^m Taylard Clk
 house of Dellegates

To Capt Thomas Blake
 high Sherriff of Calvert County.

fo. 13 Ordered to be dispatched

Upon Reading the Peticon of M^r W^m Bladen It is Ordered
 that he fully Explaine the prayer in the Peticon

The house adjournes till tomorrow morning 9 a Clock

April 30th 1700

P. R. O.

The house mett as yesterday and M^r Walter Cambell appeared and tooke his place

Then was read over what was done yesterday

A Proposall by a member of this house relateing to the Repeale of the Act of Religion

Resolved that the same be Revised And thereupon Capt Richard hill M^r Edward Loyd M^r W^m Hutchison M^r Richard Tilghman Maj^r W^m Whittington M^r Thomas Ennalls be orderd and appointed a Comittee for Laws &c^a and Comanded by the house to revise the Act for Religion and to draw a new bill to offer to this house with full power given them to command what books and Assistance to attend them as shalbe needfull

Resolved that Maj^r Thomas Smith Coll^l John Tompson and Capt Phillip Hoskins be and are appointed A Committee for Inspecting and Stateing the Publick Accounts

The hono^{ble} James ffrisby and Coll^l Hammond enters the house and delivers to the Speaker the following message with the Artickles of peace with the Indians for the pusall of this house viz^t

By the Gov^r and Councill in Assembly

Aprill 30th 1700

Gent herewith is sent you an Accot of the late Treaty with the Indians by which they seem to desire the freindshipp of the English and returne to the land they went from

Upon this subject you are desired to consider

1st Whether it be not proper to renew the former Ord- fo. 14
nance for decideing any Petty Quarrells between the Indians and adjacent English by Appointeing two Juditious persons neare them for that purpose being what his Ex^{cy} hath promised them

2^{dly} Whether it be not Proper to continue those Rangers on the Frontiers after the Indians Shall Come in and Settle or not, and if Continued what number; and here we must informe you that his Ex^{cy} hath thought fitt this last winter to lessen the number from Twenty to Tenn w^{ch} has saved the Countrey a Considerable charge and Expence

3^{dly} If the Indians doe returne and Settle as before whether it may not be adviseable to cause that new built fort to be demoleished for prevention either of these or any other Indians resetling the same and that you will concert the method of doeing and bearing the charge thereof.

4^{ly} In regard those Indians are not yett Actually come in whether it be not Adviseable to constitute a standeing Com-

P. R. O. mittee of yo^r house to joyne with his Ex^{cy} and Councill for the Safety of the Province in case of any Emergency as formerly

5th Whether it be not requisite to renew the former Order to some p^{sons} to Treat with those Indians at the head of the Bay since the p^{sons} before appointed have done nothing therein w^{ch} is beleived here to be a matter of great consequence

Signed p Order W^m Bladen
Clerk Councill

Which was read and referred till the Afternoon
The house adjournes till two o'clock

Post Merediem

Eod Die The house mett and were called over
Present as in the morning.

Coll^l John Courts and Francis Jenkins Esq^{re} enter the house and Presents the following Message to the Speaker viz^t

fo. 15 By his Ex^{cy} the Gov^r and Councill in Assembly
Aprill 30th 1700

Herewith is Sent you a Copsy of one of his Maj^{ts} Royall instrucccons to his Ex^{cy} relateing to Storehouses for Keeping and Secureing of Publick Arms and Ammunition, whereupon it is recomended to yo^r consideration and care to provide some convenient house in this Towne for a Publick Storehouse to receive and Secure the Publick Armes & Ammunition of this Province upon their Arrivall from England and that some person be appointed to take Acco^t of looke after and Cleane the said Armes for that Severall of them for want therefore are much diminished by rust and the Cartouch Boxes belts and Swords Scabards Eaten by the ratts and several of the Arms lost and the Powder lyeing in a dangerous manner no pticuler p^{son} haveing the charge thereof

Signed p Order W^m Bladen Clk Councill

Copsy of the Instruccons viz^t

You are to take especiall care that fitt Store houses be settled throughout that province for receiving and Keeping of Armes and Amunition and other Publick Stores

N Blakiston

Which being read

P. R. O.

Ordered the same be referred till the morning for further Consideration.

And there being now a full house Comittees being all in it is

Resolved that the foregoeing messages be again read over and considered of: which being read

Resolved that a Conference be had with some Gent. of his Maj^{ty} Hono^{ble} Councill to Joyne with some Members of this house in relation to the Indians and the other message relating to Storehouses for Keeping and Secureing the Publick Arms and Ammunition

Proposed by a Member of this house that it is absolutely fo. 16 necessary that some Repository or place be particularly appointed to Secure the Publick Library of this Province.

Resolved this be likewise referred to the Conference and Orderd That Major James Smallwood M^r Thomas Ennalls M^r Phillemⁿ Loyd Maj^r Walter Smith M^r John Wight and M^r Samuell Young attend Some of the Gent of the Councill to Joyne in such Conference.

Resolved that message be prepared to send to his Ex^{cy} in Order thereunto w^{ch} follows viz^t

By the house of Delegates

Aprill 30 1700

The message by the Hono^{ble} Coll Courts and Francis Jenkins Esq^r relateing to Storehouses for Keeping and secureing the publick Arms and Ammunition And the other message by James ffrisby Esq^r and Coll^l John Hamond about the Indian Affaires was here received and read and this house humbly prays yo^r Ex^{cy} will be pleased to appoint some of the Gent. of the Hono^{ble} Councill to conferr with some Members of this house as well to consider of w^t is in the s^d Messages recomended to this house as also of some Convenient place to secure the Publick Library of this Province This house haveing appointed Maj^r James Smallwood Maj^r Thomas Ennalls M^r Phill. Lloyd M^r Walter Smith M^r John Wight and M^r Sam^l Young to Joyne in Such Conference and to attend such of his Maj^{ty} Councill as yo^r Exc^y shall appointe at such time and Place as they shall direct

Signed p Order. W. Taylard

Clk house of Dellegates

The house adjournes till tomorow Morning 8 a clock

P. R. O.

May 1st 1700

fo. 17 Die Mercurij The house mett and were Called over
Present as in the Morning

Coll^l Hance Hanson a Member for Cecill County appeard
and tooke his place

Read the message prepared last night

And Orderd that M^r James Smallwood and M^r Thom^s En-
nalls doe carry the same to his Ex^{cy} and Councill

They returne and say they have delivered their message.

Proposed by a member of this house whether the Act for
Speedy Tryall of Criminalls might be thought necessary to
be continued or repealed

Whereupon Orderd the said Act be read in the house

Which being read

It is Resolved that the same be referred to the Committee
of Laws to be revised and Amended

And ordered to be drawn up in a Bill to be presented to
this house tomorrow morneing

The former proposall was considered whether it might not
be beneficial to the Inhabitants of this Province to pay their
Leavys in money

Which was referred till tomorrow morning for further con-
sideration

The Comittees all gone out

The Hono^{ble} James ffrisby Esq^r and ffrancis Jenkins Esq
enters the house and delivers to the Speaker the following
message

By his Ex^{cy} the Gov^r & Councill

Aprill 30th 1700

According to the houses request Coll Addison Coll Courts
and Coll^l Hammond are Appointed by this Board to Joyne in
Conference with the Gent of the house of Dellegates at M^r
Freemans about 2 of the Clock in the afternoon

Signed p Ord^r W^m Bladen Clk of Councill

fo. 18 The Peticon of Gerrard Sly for Allowance of his Acco^t due
from the Publick being read is further referred.

The Peticon of Jerrard Sly wherein he prays releife of sev-
erall agreivances is Read and referred till tomorrow morning

The Peticon of John Chapman being alsoe read He is
referred to ye Common Law for releife

The Peticon of Charles Ascomb and Joseph Edwards com-
plaineing of severall agrievances being read, it is referred to
the Committee of agrievances to enquire into the p^rmisses
and make reporte thereof to this house

Ordered M^r Richard Beard be sent for

P. R. O.

M^r Richard Beard being called came into the house and appeared. M^r Speaker was pleased to acquaint him that he was sent for to treat with about some place for securing the Armes and Ammunition &c And for as much as there is a Conference for that Purpose he is desired to attend at M^r Freemans at 2 o'clock in the afternoon

The house adjournes till 2 o'clock

Post Mered.

Eod. Die The house mett againe & were called over

Present as in the Morning

The Committees are Sent out

The members of this house appointed to confer about the Indian Affaires having received some instruccions from the Speaker are orderd to attend the Conference

Proposed by a Member of this house that the Journall of the Visitors of the free schoole be sent for for the house's inspeccon into their proceedings

Ordered M^r Bladen be sent for in whose Custody the Jour- fo. 19
nall remains.

M^r W^m Bladen enters and is Commanded to bring here the Journalls of the free Schooles who answers he will goe for them and returne Imediatly

Cap^t Phillip Hoskens from the Comittee of Accounts enters the house and P^rsents to the hono^{ble} Speaker the following Acco^{ts} of Capt Gerrard Sly viz^t.

One Account Titled the Province of Maryland D^r beginning in the yeare 1675 and Ends October 1677.

One other Accot Titled the Province of Maryland D^r in the yeare 1676

And one other Acco^t by the said Sly Exhitted as being Adm^r of one Chillman deceased stiled Province of Maryland D^r To Richard Chillman Deceased Anno 1677

Which said Accounts being referred to the house

Ordered the same be read which being read viewed and inspected it appeares that the same Acco^{ts} are of long Standeing And for as much as there hath been many Sessions of Assembly subsequent to those times to which the said Sly might have then apply himselfe if any thing due

Therefore it is Utterly Rejected

M^r W^m Bladen enters the house and brings wth him the Journalls of the Visitors of the freeschooles and delivers them to M^r Speaker and is thereupon dismiss

Resolved that M^r James Saunders and M^r Jno Hall be appointed a Committee to inspect the business of the freeschoole

P. R. O. and to Examine and State the Accots thereof and make reporte to this house as well of what money is now due and oweing to the Schoole and in whose hands it lyes as alsoe w^t money will remaine to the freeschoole when the same is finished and full power is given them by the house to command any persons concerned to bring all Such papers relateing to the same as shalbe necessary for the better discovery thereof as they shall see Convenient

The house adjournes till tomorrow morning 9 o Clock

Dies Iovis May 2^d 1700

The house mett againe and were called over

Present as yesterday

Ordered the Committees be called into the house

Read what was done yesterday

Moved by the Gent appointed for inspecting the business of the freeschoole that there might be some other members joyned with them

Thereupon order^d that Maj John Lowe M^r Walter Cambell and M^r Walter Lane be added to the Same Committee

The Gent appointed to conferr about the Indian affaires &ca enters the house and p^rsents M^r Speaker with there Reporte which follows viz^t

Att a Conference held at M^r John Freemans at the Porte of Annapolis this 1st May 1700

Then Present

The honorable Coll. Jno Addison Coll John Courts and Coll John Hammond of his Maj^{ty}s hono^{ble} Councill and likewise Maj^r James Smallwood Maj^r Thomas Ennalls, Phillemon Lloyd, Maj^r Walter Smith M^r John Wight M^r Sam^l Young members of the house of Dellegates

fo. 21 Forasmuch as the infidellity of the Indians is notorious to every one and the uncertainty very great whether they will come in or noe According to the late Artickles of Peace concluded on between his Ex^{cy} the Gov^r and the said Indians, it is therefore the opinion of us nominated to be of this conference in answer of the Second and fowerth Artickles of his Ex^{ncys} message to this hono^{ble} house relateing to the Indian Affaires that the Rangers which are now sent out be continued out in case the Indians doe not come in but if the said Indians doe come in and behave themselves civilly it is then our opinion that this Affaire be referred to his Ex^{ncy} prudent Conduct and Management being therein assisted by a Stande-

ing Committee of this hono^{ble} house which we conceive necessary to be appointed for the said purpose P. R. O.

As to the Artickle about demolishing the Indian forte we thinke it to be matter of very great consequence and will admitt of no Certaine determination untill the Sentements of the Indians be first Sounded thereupon Therefore it is though[t] most proper to be in like manner referred to his Ex^{cy} and the Standeing Committee of this hono^{ble} house who will be best able to take such measures according to the Severall Circumstances of Affaires

As to the 5th Artickle it is our opinion that the sd former Order be renewed for the appointeing some p^{rs}ons to Treat with the Indians at the head of the bay

It is likewise our opinion that in obedience to his Maj^{ty}s Command a good strong house be forthwith built for the Secureing of the Powder belonging to and for the use of the Province And it is further concluded that the great Roome in the Schoole house is a proper place for an Armoury and is referred to this house to treat with the Visitors of the said freeschoole for the Liberty of placeing the Arms there untill the said Scoole house be more imediately appropriated to the use it was built for, and it is likewise our opinion that the other lower roome is a very fitt place for a Library to be kept in

Likewise M^r Richard Beard was sent for to treat with him about looking after and cleansing the publick Armes and gave this answer; that he could not make any p^{ti}cular Contract for lookeing after the said Armes but is willing as soone as any place provided to take the charge of the said Armes and cleanse them and draw up a bill for his Trouble and referr it to the laying of the next Publick Leavy whether he deserve soe much or noe or otherwise to satisfy him what is thought worth fo. 22

Phill Lloyd Chaireman

Which reporte was read in a full house

And the house concurs with the Committee in the second and fowerth Artickle in his Ex^{cys} message relateing to the Indians

Orderd that there be a Bill drawne up agreeable thereto

This house doe concurr with the 3^d Artickle in the said Message.

Ordered by the house that it be incerted in the same bill that there be power given to his Ex^{cy} the Gov^r and Committee to be appointed to demolish the Indian forte or continue it as it is according to their discreton.

The fifth artickle being likewise debated it is

Ordered that the matter therein contained be incerted in the same bill And orderd that it be drawne up and p^rsented the house for further consideration.

P. R. O. Orderd that M^r James Saunders M^r John Hall Maj^r John Lowe and M^r Walter Cambell and M^r Walter Lane be appointed a Committee to enquire into the agreiviances of this Province

Resolved that the same Comittee be impowered to call before them Maj^r Edward Dorsey and treat with him about the purchase of a house and Lott of land in the Towne of Annapolis such as shalbe thought most convenient for securing the Publick Arms and Amunition &c^d and to discourse him as well of the vallue thereof as the title he can make to the same.

All which they are to reporte to this house for further consideration

fo. 23 It is also resolved that the same Comitee for Agrieviance be likewise empowered to treat with the Visitors of the free-schoole concerning the placing and Secureing the Publick Library in some convenient rooms in the Schoole house and for that purpose the Gent are orderd to meet at the house of M^r John Freeman at Seaven a clock this Evening, and thereupon it is desired that such members of this house that are visitors give their attendance at the Time and Place aforesaid

Proposed by a member of this house whether it be not necessary that the Publick Armes lodged in the Sev^l County's of this Province be forthwith fixed and Cleaned

Resolved that the respective Millitary Officers take care that the County's arms soe lodged be forthwith fixed and Cleansed at the Charge of the County's and

Ordered that an Ordnance be drawne up for that purpose and Sent to his Ex^{ty} and Councill for their concurrence.

The house adjournes till 2 o Clock in the afternoon

Eodem Die The house mett and were called over
Present as in the morneing

Moved by a member of this house that a former proposall for payment of Leavy's in money might be putt to the Vote

Putt to the Vote whether the same shalbe paid in mon'y or not

Carryed in the Negative

Moved by a Member of the house that forasmuch as there was a proposall made the last Sessions of Assembly for an Act to pass for the Sale of M^r Sam^l Withers land for paym^t of his debts and was againe moved

Ordered that M^r James Benson Ex^r of the said Withers who now gives his Attendances be called in

James Benson enters the house And being demanded by
fo. 24 M^r Speaker if he had anything to object why the land of M^r

Samuell Withers should not be sold for the payment of his ^{P. R. O.} debts he answered that he would Concurr with the Sale thereof

Refferred till tomorrow morning for further consideration

Proposed by a Member of the house that the Navall Officers of Pattuxent and Annapolis acco^t for the publick dues arriseing from ships that goe to the Easterne Shoare after they have entred with them to the publick Treas^r on the Easterne shoare, and for the publick dues arriseing from Shipping that remaines on the westerne Shoare to the publick Treas^r on the westerne Shoare which being taken into consideration of the house it is

Resolved that an Ordnance be drawne for that purpose and sent his Ex^{cy} and Councill for their Concurrence therein

And for as much as M^r Robert Mason publick Treas^r on the Westerne shoare lives at one side of the province and remote from the Porte of Annapolis which makes it difficult for p^{rs}ons concerned to have recourse to him

Resolved by the house that M^r Samll Young a Member of this house whose habitation is neare the center of the Westerne Shoare be assigned and appointed Publick Treas^r for the Westerne Shore instead of M^r Robert Mason

And Orderd that message be sent his Ex^{cy} & Councill for concurrence herewith

By the house of Dellegates
May 2^d 1700

Orderd that the Naval Officers of Pattuxent and Annapolis give an Acco^t for those publick dewes arriseing from Shyps that goe to the Easterne Shoare after they have entred with them to the publick Treas^r of the Easterne Shoare

And for the publick dewes arriseing from Shipps that remaine at the Westerne Shore to the Public Treas^r on the Westerne Shoare that each Treasurer may have the just perquisites of his office

And for as much as M^r Samuell Young a member of this house lives in or neere the Center of the Westerne Shoare ^{fo. 25} and neere the Porte of Annapolis

Orderd that he be assigned and appointed Publick Treas^r for the Westerne Shoare instead of M^r Robert Mason whose habitation being at one side of the province makes it difficult for p^{rs}ons concerned to have recourse to him if his Ex^{cy} and Councill consent thereto

Signed p Order W. Taylard Clk
house of Dellegates

P. R. O.

Ordinances for cleaning the County Arms

By the house of Dellegates

May 2^d 1700

Orderd that the respective Millitary Officers be and are enjoyned to take care that the Countrey's Arms in their Sevl Countys be forthwith well and sufficiently fixed and cleansed and that the charge thereof be borne and defrayed by the respective Countys if yo^r Ex^{cy} and Councill shall thinke fitt to concurr herewith

Signed p Order W. Taylard Clerk
house of Dellegates

Orderd that M^r Jacob Lookerman and Maj^r Walter Smith carry the said Ordinances to his Ex^{cy} and Councill

They return and say they have delivered the same

Proposed by a member of this house that the Proposals for advancement of money may be printed

Resolved that the same be printed, and that about forty Coppys be delivered the house

M^r Tench and Coll^l Hutchins enters the house and delivers to M^r Speaker the ordinances last sent which were endorsed viz^t

The ordnance for the Publick Armes endorsed

Eod Die Assented to by his Ex^{cy} the Gov^r and Councill in Assembly

W. Bladen Clk Councill

The other relateing to the Treas^r and Navall Officers and for appointment of M^r Sam^{ll} Young to be Navall Officer for the Western Shore Endorsed

Assented to by his Ex^{cy} the Gov^r & Councill in Assembly

W. Bladen Clk Councill

fo. 26

The house adjournes till tomorrow morning nine o Clock

Dies Veneris 3rd May 1700

The house mett and were p^rsent as before and were called over

Read over what was done yesterday

Read the Petition of some inhabitants of the County of Talbott for divideing the said County

Resolved that the County be divided as prayed and that ^{P. R. O.} the same be referred to the Committee of Laws to prepare a Bill for that Purpose

Committees are all sent out

The Committee of Election and Priviledges enter the House and p'sents to the house there reporte as follows:

This Committee haveing before them the Writt for Election of one Dellegate to Serve for Calvert County and haveing Examined and inspected the said returne doe finde and reporte that M^r W^m Parker is duely Elected and Chosen a Dellegate to Serve for Calvert County and Indentures thereof returned accordingly

Jno. Stanley Clk Com^{ee} of Elecⁿ & Priv^{ge}

M^r Parker being called into the house

It is ordered that Maj^r Walter Smith and M^r Elisha Hall goe with the said Parker to his Ex^{cy} and Councill to see him sworne.

They returne and say they have seen him sworne

The house adjournes till 2 o Clock

Post Merediem

Eod. Die The house mett againe and were called over

Present as in the morning and M^r W^m Parker a Member for Calvert County appeared and took his place

Coll^l Jno Hammond and Francis Jenkins Esq^r enter the house and delivers to M^r Speaker a Petitionary bill for con- ^{fo. 27} firmeing Land &c^a. Ordered to be read tomorrow morning likewise M^r W^m Bladen Clk of his Maj^{ts} honoble Councill brought with him the Association and Test to be signed by M^r Loyd and M^r Parker which being signed p M^r Loyd and M^r W^m Parker

M^r Bladen withdraws

A Bill for the Service of Allmighty God and Establishment of the Protestant Religion.

Read the 1st time and Orderd to be read tomorrow morning

Thomas Tench and Robt Smith Esq^{res} enters the house and delivers to M^r Speaker an Accot of his Ex^{cys} disbursements which follows

May 2^d 1700 The Province of Maryland D^r to his Ex^{cy} the Govern^r

To Bills of Exch ^e lent the Countrey and Sent by Coll Beale to Coll Addison to pay the rangers	}	£. s. d. 200. 00. 00
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P. R. O. To the Ordnance of Assembly for transcribing the Laws for the Severall Countys according to Ordinance of Assembly } 120. 00. 00

Orderd that the same be sent to the Committee appointed for Stateing Publick Acco^{ts}, which was delivered to Captⁿ Hoskins a Gent of that Committee

Then was read a Peticon of one John Gough of Charles County preferred the hono^{ble} Judges for probatt of Wills &c and by them recomended to this house for their consideration

Which being read It was ordered by the house the same be endorsed as followeth

By the house of Dellegates
May 3 1700

The within Peticon being recomended to this house, the same was here read, and for as much as this house conceives that the Petitioner may have his remedy at Common Law against the within named John Bayne the Adm^r who, as the Pet^r alledges receives the meane proffitts of the land therefore
fo. 24 the Peticon is rejected

Signed p Order W Taylard
Clk House of Dellegates

The Hono^{ble} Thomas Tench and Robt Smith Esq^r deliver M^r Speaker two Severall peticons the one being the peticon of Mary and Joseph Vansweringen relateing to the Sale of lands of M^r Jno Llewelin and Samll Withers for the paymt of their just debts

The other being a Peticon of Sev^{ll} Merchants and traders in Potomack river thereby representing to his Ex^{cy} and Councill the great inconveniency they are Putt to by meanes of the greate distance between the p^rsent Collectors and Navall Officer assigned for th^t River

Which was thus Endorsed

By his Ex^{cy} the Gov^r and Councill
April 30th 1700

Upon consideration of this Peticon as well for Secureing his Maj^{ty}s dues and preventeing frauds as for dispatch of trade it is order^d that the Collector be and is hereby obliged to appointe and keep a Deputy in the Upper parte neare the Navall Officers and the said Navall officers in like manner to Keep a Deputy neare the Collectors who are hereby charged

and required diligently to attend their duty so that no fraud P. R. O.
or false traders be suffered in any parte of the said River
Signed p Order W Bladen
Clk Council

Which being read this house concurs therewith and was
thus endorsed

May 3 1700

Assented to by the house of Dellegates
Signed p Order W Taylard Clk
house of Dellegates

Ordered that the Peticon of Mary and Joseph Vansweringen
be read w^{ch} is as followeth

To his Ex^{cy} the Gov^r and Council and the Assembly now
Sitting

The Humble Peticon of Mary and Joseph Vansweringen
Ex^{rs} of the last Will and Testament of Garrett Vansweringen
of St Marys County deceased

Most humbly Sheweth

That yo^r Petitioners being left Ex^{rs} by Testator have
also a great many Small Children to Provide for and maintaine
they doe duely and truely pay all the debts of the deceased
when ever demanded but to their damage cannot gett in the
Debts due to the Estate and pticularly a Debt of Seaven
thousand pounds of tobb^o due from the Estate of M^r Sam^l
Withers and fowerteen Thousand pounds of tobb^o from the
Estate of M^r John Llewelin decd whose Ex^r and Adm^r pre-
tend not to have any Assetts to pay yo^r pet^{rs} Just demands.

Wherefore yo^r Petitioners being sencible that the sd M^r
John Llewelin and M^r Samuell Withers did leave a good
Sufficient Estate in Lands by the Sale whereof yo^r Pet^r and
all other their Just Creditors may be Satisfied they Therefore
humbly pray yo^r Ex^{cy} and this hono^{ble} Assembly that a Law
may be passed to Sell the decds said Lands for payment of
yo^r Petitioners as well as all other their just Creditors

And yo^r Pet^{rs} as in duty &ca Shall &c^a On the back of
which Peticon is thus endorsed viz^t

By his Ex^{cy} the Gov^r & Council
in Assembly May 3^d 1700

This Peticon was read and recommended to the house of
Burgesses to prepare a Bill for that Purpose
Signed p Order W Bladen Clk Council

P. R. O. Which being read Ordered that M^r James Benson Ex^r of the said Samuell Withers be called in and that Robert Smith Esq^r be desired to attend the house

fo. 30 Thereupon the said Robert Smith Esq^r and M^r James Benson enters the house

M^r Speaker was pleased to demand of the said Doctor Benson if he had anything to Object why an Act Should not pass for Sale of the lands of M^r Withers for Paymt of his Just debts who answerred that he is and allways was willing the same should be sold for that Purpose

The Same question was proposed to M^r Rob^t Smith who answerred that he had a Mortgage of the same lands, notwithstanding was willing that it Should be sold for paym^t of the said Withers Debts with proviso^e that the debt due to him should be first paid, but that the mortgage cannot at P^rsent be produced they are desired to withdraw and Orderd by the house that the consideration be further referred.

And for as much as the lands of M^r John Llewelin cannott at p^rsent be discovered therefore the Consideration thereof is likewise further referred.

The Gent Appointed to treat^e with the Visito^{rs} of the free-schoole &c^a Enters the house and delivers M^r Speaker a reporte of their proceedings therein which was read and referred till tomorrow morning for further consideration

Ordered that the Serjeant Attendant Command Thomas Reynolds Sherriff of Ann Arrundell County imediatly to attend the house

Who being called in was by M^r Speaker demanded the reason why the Publick Letters of this house were not dispatched for St Marys County according to direction he answered that he had taken all possible care he could for their Speedy Conveyance and that he had Sent them by A Messenger to Capt Thom^s Blake High Sherriff of Calvert County requireing him to forward them by all Expedition but the said Blake refuseing so to doe were brought back

Whereupon M^r Thom^s Reynolds was ordered to withdraw the house

fo. 31 And for as much as the house haveing fully Examined the whole matter conceives that the neglect of Speedy Conveyance lay in M^r Thomas Blake through contempt to authority

Therefore resolved that the Serjeant Attendant to this house forthwith take the said Thomas Blake into his Custody and bring him before this house to answer the afores^d contempt which was ordered accordingly

The house adjournes till tomorrow morning nine A Clock

May 4th 1700

The house mett again and were called over

Present as yesterday

Read what was done yesterday

The Reporte of the Committee of agrievance p^resented to the house and referred to be read in the afternoone

The Bill for Service of Allmighty God and establishment of Protestant Religion in this Province

Read the Second time and sent to his Ex^{cy} and Councill by Capt Hill, Capt Hoskins, Maj^r Lowe Maj^r Whittington M^r Briscoe M^r Cambell M^r Parker M^r Wright M^r John Hall M^r Richard Tilghman Maj^r Tho^s Smith and Coll^l Hanson

They returne and say they have delivered their Bill

A Bill for Speedy Justice and Tryall of Criminalls acertaineing their punishments in the County Courts when prosecuted there

Read the first time and Committed for Amendm^t

Bills for Quieting the differences arising betwixt the English and Indians in private Controversy &c^a

Read the first time and committed for amendm^t

Peticōnary Bill of Richard Smith and others for confirmeing Land given to the ministrey of Christs Church pish in Calvert County will pass with this Addicōn in the 25th line after the word County (or Some other discreete person that they shall fo. 32 make choice of in his absence)

Thomas Peach and James Frisby Esq^r enter the house and delivers severall peticōns viz^t

James Saunders Pet.	{	being all endorsed referred till Monday
M ^r W ^m Bladens Pet.		
Maj ^r Dorseys Pet.		

The house adjourned till 2 a Clock in the Afternoone

Post Merediem

The house mett againe and were called over

P^resent as in the morning

The house adjournes till Monday morning 9 o clock

Dies Lunæ May 6th 1700

The house mett being called over were

P^resent as on Saturday

The following Order of his Ex^{cy} and Councill relateing to the Printeing press was here read as follows viz^t

P. R. O. By his Ex^{cy} the Gov^r and Councill in Assembly
May 4th 1700

The Peticōn of W^m Bladen haveing been here read and considered this Board findeing that the Pet^r has been at great charge and trouble in procureing the Press, Letters, Papers, Ink and Printer Etc wee doe recomend the same to the house for their consideration and encouragement and that for Promotion thereof an Ordinance pass that after the 10th day of September next noe other writts be made use of but such as shalbe printed (Save only Speciall Writts wherein are varyous recitalls) and All Bayle bonds, Letters Testamen^{ty}, Letters of Adm^{stra}con Citacōns summonses &c^a be printed and none other made use of they being allways to be had viz^t

The Writts Citations and Summons's at one penny or one li Tob^o p peece

fo. 33 And the Lres Testament^{ry} Adm^{on} Bayle bonds &c^a at Two pence or two pounds of tobb^o p peece

Signed p Ord^r W Bladen Clk Councill

May 6th 1700

Which being read is ordered to be thus endorsed viz^t

By the House of Dellegates May 6th 1700

Assented to and orderd accordingly provided the Pet^r give sufficient Caution to his Ex^{cy} not to printe any other matter or thing but what Shalbe first lycensed by his Ex^{cy} the Gov^r or some other p'son that shalbe by him appointed

Signed p Order

W Taylard Clk house
of Dellegates

The Hono^{ble} Collⁱ Jno Addison, Esq^{re} Brookes, Collⁱ Hammond, James Frisby and Francis Jenkins Esq^r enter the house and bring with them the bill for Religion &c^a and delivers to the hono^{ble} Speaker the following message.

By his Ex^{cy} the Gov^r and Councill
in Assembly May 6th 1700

The Bill for the Service of Almighty God and Establishment of the Xtian Religion according to the Church of England has been here twice read and is very well approved of & it is further recomended to the consideration whether it may not be proper to address his Most Sacred Maj^y to give his Royall Assent thereto as now proposed

Signed p Order W^m Bladen Clk Councill

Resolved that such an Address be made as recommended P. R. O.
and Ordered that the Comitee of Laws prepared the same

The Peticon of Nichols Croutch being read in the house wherein he prays an Alloweance for Severall services by him done for Esq^r Randolph in Wrighteing Publick business

Was considered and is referred for sattisfaccōn to such psons as Employ^d him

The Peticon of James Frisby Esq^{re} being read in the house wherein he prays an allowance for the import of Twenty Six Negroes that arrived in Captⁿ Thornbury and dyed before fo. 34
sale of them was here read

And Putt to the Vote whether the Peticōn shalbe rejected or not

Carried in the Affirmative

The Peticōn of James Stoddard relateing to an Agreement between him and the Emperour of Piscataway was here read.

This house doe conceive that the Pet^r is noe ways barred of his claime from the Indians by meanes of the Artickles of peace lately made with them

Therefore this house refers the Pet^r to the Gent in those parts to be appointed for decideing differences betwixt English and Indians to heare and determine the same

The Peticon of Major Dorsey recomended this house as followeth

To his Ex^{cy} the Gov^r & the Hono^{ble} the Gen^{ll} Assembly now sitting

The humble Peticon of Edw^d Dorsey most humbly Sheweth

To yo^r Ex^{cy} and this Hono^{ble} Assembly that whereas you were pleased the last Session to lay an heavy fine upon yo^r Pet^r which he is in noe wise capeable of Answering haveing noe money in England and a great charge of many Children in this Province to Supporte and Maintaine and now the said fine being demanded of him he has noe other meanes or refuge to have recourse to but yo^r Ex^{cy} & this hono^{ble} Assemblys Clemency and favour in remitting the Same w^{ch} he can in noe ways answer but to the utter ruine not only of himselfe but his Wife and Twelve children who are inseparably involved in yo^r Pet^{rs} misfortune

Hee therefore most humbly prays your Tender consideration of this and his Family's sad Chance and that you would at least for the sake of his poore children Extend your wonted Clemency and Goodness to him in remitting the said fine fo. 35
which if Leavy^d will be the ruine of him his wife and poore children who will allways acknowledge yo^r Goodness and pray for yo^r Prosperitys

Which said Pet^{on} being read was endorsed as followeth viz^t

P. R. O.

By his Ex^{cy} the Gov^r & Councill
in Assembly May 4th 1700

This Peticōn haveing been read here came the Reverend Doctor Bray and became a Supplicant to his Ex^{cy} this Board, and the house of Dellegates on behalfe of the Pet^r upon Acco^t of a fine Imposed upon him the last Assembly Saying that he did not question the Justice of that Gen^{ll} Assembly in Imposing that fine, but foras much as the said Maj^r Dorsey hath a greate charge of Twelve children, he therefore pray'd that his Ex^{cy} and the Gen^{ll} Assembly would extend their Char- rity either in remitting the said fine or otherwise Excusing the sd Maj^r Dorsey in the payment thereof and desired that his mooveing herein might not be ill taken being as he hoped agreeable to his function as a matter of Charrity: upon which mocōn of the sd Doctor Bray, this board doe recomend the Peticon to yo^r Tender consideration

Singed p Order

W^m Bladen
Clk Councill

Upon readeing the aforesaid peticon this house haveing considered of what is therein recommended and

Resolved that he be referred to the Committee of Acco^{ts} this house giving them power to call before them the said Maj^r Dorsey and demand of him what proposalls he have to make in order to discharge his fine in the Peticōn menconed and make Speedy reporte thereof to this house for their further consideration therein

They enter the house and make reporte as follows:

Wee the Comittee of Acco^{ts} in Obedience to the above sd Order haveing called Maj^r Dorsey before us did demand of him what proposalls he will make in order to discharge his fine who for answer Saith that he hath noe manner of way
fo. 36 unless the house will take away his Servants and soe render him and his poore family Totally incapeable of a Livelyhood
Jacob Loockerman Jun^r Clk

Which being read the consideration whereof is further referred

The Peticōn of Thomas Casey of Cecill County being read the house conceiding him to be an object of Charrity is allowed an Annuall Pention of One Thousand pounds of Tobb^o p annum.

Col Jno Addison and Thomas Brooke Esq^{re} enter the house and delivers the honoble Speaker a Letter from his Ex^{cy} the consideration whereof is referred till the afternoon

The Bill for Religion &c^a Read the third time and Resolved P. R. O.
it doe passe

The Peticonary Bill for confirmeing land to the Church in
Calvert County

Read the 3^d time and will passe

The Ordinance relateing to the Collector and Navall Offi-
cer of Pottomack River sent up to his Ex^{cy} and Councill by
Maj^r Whittington and M^r Elisha Hall

They returne and say they have delivered the same

Orderd by the house that the said following discharge be
Recorded in this Journall viz^t

May 28 1699

By Virtue of an Act of Assembly of this Province in em-
powering W^m Hutchinson to buy and purchase for me the
three Negroes I doe acknowledge to have recd from the sd
W^m Hutchinson three Negroes named John Sarah and Eliz^a
as wittness my hand the day and date abovesaid

Ninian Beale

Testis James Stoddard

X^opher Thompson

M^r Thomas Blake High Sherriffe of Calvert County being
brought here to answer his contempt in not forwarding the
publick packetts from this house

And forasmuch as the said Blake haveing noe reasonable
excuse to offer this house for such his Contempt

It is Resolved that he be fined 500^{lbs} Tobb^o and Order^d that fo. 37
the Committee of Accounts deduct the same from his Sallary
and make it payable to Dan^l Canning the Serjeant Attendant
for his Expeditōn

A Peticon of James Baker read as followeth viz^t

To the Hono^{ble} Thomas Smithson Esq Speaker to the
Hono^{ble} house of Assembly and the rest of the hono^{ble} Assem-
bly now sitting

The humble Peticon of James Baker to the Assembly

Humbly Sheweth

That yo^r Petitioner is a very ancient and Poore man very
infirm and Weake and hath faithfully served this hono^{ble}
house of Assembly these nine years and upwards as severall
of yo^r hono^{rs} well know

That the last Sessions of Assembly yo^r hon^{rs} were charri-
tably inclined to Joyne together in Purchaseing your poore

P. R. O. pet^r a Negroe to Assist him in working for him to maintayne himselfe and his poore weake wife who is likewise ancient.

Yo^r Pet^r therefore most humbly prays yo^r hono^{rs} and the rest of the hono^{ble} house of Assembly out of yo^r great inclination to charrity and goodness to take yo^r Poore Pet^{rs} condicōn into yo^r Serious consideration and what you shall please to allow him shalbe put into one of yo^r hon^r hands and imploy^d in Purchaseing a Servant Negroe or White to Assist him in his declining yeares

And yo^r Pet^r as in duty bound shall ever pray

Which Peticōn being here read and considered It is orderd Maj^r John Lowe be desired by the house to purchase for the Pet^r a good able man Servant to be delivered him for which it is Orderd that Maj^r Lowe be Sattisfied out of the next Publick Leavy.

The house adjournes till 2 o Clock

Post Merediem

Eod Die

fo. 38 The house mett againe and were Called over
Present as in the morning

His Ex^{cy} Letter by Coll^l Addison and M^r Brooke brought here in the morning now read as followeth

Gent I am apt to believe you may be now towards a Conclusion of this Sessions and Since every body receives redress from you I hope it will be farr from a Crime in me to hinte to you how great a Sufferer I am in largeness and size of the hogsheds of Tobb^o you passed a Law last Sessions in which you showed yo^r generosity in continueing to me the 3^d and that at fower hundred pounds each hogshhead but I imagine you did not intend it soe, neither doe I desire it less than five hundred if I had insisted upon it it would have been at least Two hundred pounds advantage to me but believe me noe Interest shall ever be prevalent or induce me to take any advantage of those for whom I have so great a regard if you can adjust it without any great trouble I shall hold my selfe oblidged if not You may Continue it upon the same foot as it now Stands but all Ma^{rs} of Shipp^s seem to be very uneasy under it I doe not desire the hogshheads should be less than the gage already established by You I am

Gent yo^r most humble Serv^t

May 6th 1700

N Blakiston

Resolved that a Bill be drawne to impose some severe penalty on such persons that shall employ any Coopers to make any caske above the gage according to Act of Assembly

And Mr Speaker is desired by the house to Answer his P. R. O.
Ex^{cys} Letter which followeth viz^t

May it please yo^r Ex^{c^y}

Your Letters sent by Coll^l John Addison and Thomas Brooke Esq^r relating to tobb^o in hogsheads wee received wherein we observe yo^r Ex^{c^y} is sencible of Some disadvantage by the great Weight of them soe that you have not the full benefitt of yo^r Revenue arriseing upon hogsheads of ^{fo. 39} tobb^o and yett that yo^r Ex^{c^y} is pleased to have them weigh five hundred it were very difficult how to proporcōn payment according to the particular weight of every hogsh^{ds} and wee beleiving by good Computation that hogsh^{ds} not exceeding the lawfull gauge (considering that more are under the gauge) will not one with another Containe five hundred pounds of Tobb^o and for Preventeing future disadvantage to yo^r Ex^{c^y} and others by the unreasonableness of casque, wee are preparing a Bill to remedy it.

Ordered that Maj^r Walter Smith and Mr Thom^s Hicks carry the answer to his Ex^{c^y} and the bill for quoting differences between the English and Indians &c^a and the Ordinance for the printeing press.

They returne and say they have delivered their Message

The Peticon of Mr Phillip Lynes recomended to this house referred till tomorrow morning.

The Act for quoting differences that may arrise between his Maj^{ties} Subjects and the Indians.

Read the 2^d time and Passed

Report of the Comittee of agrievances referred to this day day Now Read as Follow viz^t.

1st That it appeares to this Comittee that there is Sev^{ll} Parishes in the provinces that have yearly paid the 40 ppoll and yett have noe ministers to officiate which is an aggrievance to the people churches being allready built

2^{dly} It appeares to us that my Lords Officers doe not take care to appointe deputy Survey^{rs} in each respective Co^{ty} that are dwellers in the said County w^{ch} wee conceive it an agrievance and an Excessive charge to the inhabitants thereof

3^{dly} It appears to us That whereas Gerrard Sly of St Marys Countys peticon is referred to us and whereas the Comon Law has tooke his regular course and that neither Gerrard Sly nor any one for him has come to make appeare what is sett forth in his peticōn wee referr it to this Honoble houses consideration

That according to Order of this hono^{ble} house wee have been and viewed the house of Maj^r Edward Dorsey and finde ^{fo. 40}

P. R. O. the Tenements where the Magazine lyes most fitt for the said powder and Armes and that the said Dorsey will rent the said Three houses for Twelve years Space and Cover the great house for One hundred pounds Sterling but can make noe title to the land further than for the Term aforesaid

4 It appears to us That Whereas M^r Charles Ascomb's Peticon is referred to us wee conceive that Coll^l Lowe has proceeded against Ascomb and others according to Law but the Law is soe sharpe that it appears to be an Agrievance to the People wherefore we conceive it lyes in his Ex^{cys} breast as being Captⁿ Gen^l in Cheife to correct the said offence.

Signed p Order Jno Darsey Clk Coul. Agr.

Which being read is by the House considered as follows viz^t

As to the first Artickle it is orderd that Maj^r Thomas Smith acquainte M^r James heath his Lodp's Surveyor Gen^l for the Eastern Shoare of the purporte of this agrievance and that he is by this house required to provide dep^{ty} Survey^{rs} that Shall inhabitt in the Severall Countys to survey there and th^t such officer be provided before the first of October next other wise this house will take the same into further consid-
eracōn

M^r Carroll is desired to Signify the same to M^r Clement hill his Lordship's Surveyor Gen^l for the Western shoare

The Peticon of Gerrard Sly rejected for that noe one here appears to prosecute

It is referred till tomorrow morning for further consideration.

Coll^l Hammond and M^r Jenkins enters the house and brings

The Bill for quieting diferences that may arrise betwixt English and Indians Endorsed May 6th Read the first time and will pass. Maj^r Smallwood being added according to his Ex^{cys} promise to the Indians

W Bladen Clk Council

10. 41 Resolved the same be added and Passed for Engrossing
The house adjournes till tomorrow morning 9 o clock

Dies Martis 7th May 1700

The house mett and were called Over p^rsent as yesterday

And M^r W^m Harris a Member of this house appeared and tooke his place

Pet^{ry} Bill of Thomas Tasker &c for confirmeing Land & Church &c^a P. R. O.

Read the 3^d time and Assented to

The bill for Religion Read 3^d time and Assented to

Resolved that the same Act be forthwith printed and that one of them be orderd for every parish in the pvince
Bill for confirmeing the last Will and Testament of James Tyer.

Read the first Time and orderd to be read againe in the afternoone.

Bill for Speedy Tryall of Criminalls read the first time

Bill for lessening Talbot County and Constituteing a new County &c^a

Read the first time and Ordered to be read againe in the afternoone

M^r Bosman M^r Parker Maj^r Smallwood Capt Worthington M^r Young and M^r Beale are sent up to his Ex^{cy} and Councill with the bill for Religion

They returne and say they have delivered the bills

The house adjournes till two of the Clock in the afternoone

Eod Die Post Merediem

The house mett and were called over

Present as in the morning

Read a Bill for the p^sent Security of the frontier Plantacōns of this Province ag^t the incursions and violence of Indians &c^a

Upon reading the same Objections was made against the whole Bill fo. 42

And it was Proposed by a Member of this house that considering that his Ex^{cy} had lately made a peace with the Indians whether it were not now reasonable at this very Juncture upon this p^sent renewing the peace instantly to withdraw the rangers intirely to lett the Indians have all Assureance that may be that wee designe firmly to observe our promises and Expect the same from them and give them noe occasion of diffidence to leave the forte to the Indian's owne disposeing to doe them all right that they can require by letting them quietly enjoy their lands to secure the friendshipp of the Susquehannah and Easterne shoare Indians and to renew Effectively an Order for laying out the Choptanck Indians Lands or to go on with the Bill or adhere to the proposalls And carried by the majority of votes against the bill. And that this Vote of the house be made knowne to his Ex^{cy} in answer to the message from

P. R. O. his Ex^{cy} and Councill by the Hono^{ble} James Frisby and
 • Coll^r Hammond of the 30th April last

Signed p Order

W Taylard Clk of house
 of Dellegates

Drawne up into a message and
 Sent by M^r Phillemon Loyd and M^r Cambell to his Ex^{cy} &
 Councill

They returne and Say they have delivered their message
 The Bill for lessening Talbott County and constituteing a
 County by the name of County

Read the 2^d time

Referred to the Comittee of Laws for Amendment

Resolved that a reviewing bill be drawne for the Act for
 Officers fees and the Act for Sumoning grand and Pettit Jurys
 in the Severall Countys

The fowerth artickle of the reporte of the comittee of
 Acco^{ts} relateing to Maj^r Dorseys houses was agⁿ read

Resolved if Maj^r Dorsey will make over an Estate Equi-
 valent to such childe as the houses and lands belong to in
 some other place in consideration and in Lieu thereof and will
 fo. 43 alsoe well and Sufficiently cover the houses and putt them in
 Tennantable repaire and then make A sure indefeazable Title
 to the said houses and Lott for the use as in the said Artickle
 is sett forth this house is willing to remitt his fine.

All w^{ch} this house recommends to the consideracon of the
 Committee of Acco^{ts} who is Empowred to treat with the said
 Dorsey about the same

And a Reporte thereof they are forthwith to make to this
 house

Soon after the Committee of Acco^{ts} enters the house and
 reporte as followeth

May 7th 1700

By the Committee of Acco^{ts}

In Obedience to the within written order from the house
 wee have called the said Maj^r Dorsey before us to treat with
 him about the said Order who does say for himselfe that he is
 very ready and willing to confirme unto such childe as have
 the title to the same Lands & premises when he shall come of
 age soe much lands in another place Equivolent to the same
 and in Lieu thereof but he can not cover nor repaire the same
 being altogeather uncapeable but is Willing to make a good
 and Sure Title of and in the houses and Lotts aforesaid to the
 uses aforesaid

Jacob Loockerman Jun^r Clk Comittee.

A Bill for makeing vallid the last will and Testam^t of James P. R. O.
Tyer &c

Read the Second Time

Resolved to pass to be engrossed

An Act for quieting differences betwixt English & Indians

Read and Assented to by the house

Proposed by a Member of the house that forasmuch as Doctor Bray has been very Serviceable to this Countrey in Collection of a Library and for other his good services the house make him a p^sent of Fifty pounds Sterling wch was fo. 44 unanimously agreed unto by this house

The Reviveing bill read the first time and Orderd to be read again this Evening

The same Bill read againe the second time

And resolved it doe pass

The house adjournes till tomorrow morning 8 o clock

May the 8th 1700

The house mett and were Present as yesterday only M^r W^m Hutchinson who had Liberty to goe home.

Resolved that a Bill be drawne for some members of this house to joyne with his Ex^{cy} and Councill to advise and concert Such measures as shalbe needfull relateing to the Indian Affaires.

The message yesterday by Coll^l Addison Coll^l Courts and Thomas Brookes Esq^{rs} now read viz^t

By the Councill in Assembly

May 7th 1700

Upon inspection of the former proceedings and Journall of Assembly it appears that considerable Sumes hath been raised for building a Church in Annapolis but that the care and charge of applying that money to the designe use is not settled in any p^sons certaine that may at any time contract and agree with any p^sons willing to undertake the building which prevents the perfecting so noble and good a design

It is therefore recommended to yo^r consideration whether it may not be adviseable to make application to his Ex^{cy} his Maj^{ty} Gov^r of Virg^a in whose hands the said money remains that his Ex^{cy} will please to cause the said money to be lodged in some Safe hand or hands in Maryland ready to be made use of when occasion and that you will entrust some p^son or p^sons to receive the said money treat and agree with any undertakers and upon such agreement and p^rformance to pay them out of the said money as agreed for

Signed p Order W. Bladen Clk Councill

P. R. O. It is resolved that applycation be made his Ex^{cy} the Gov^r of
fo. 45 Virg^a for that purpose.

It is likewise resolved that the money be lodged in Maryland in the hands of his Ex^{cy} the Present Governo^r Coll Jno Addison Thomas Brooke Esq^r Coll John Hammond and Thomas Tasker Esq^r and full power is given them by this house to receive the said moneys treat and agree with any undertakers for building the Church and upon such agreement and performance to pay them out of the said money agreed for

And orderd that a message be prepared and sent to his Ex^{cy} the Govern^r to the same purpose viz^t

By the house of Dellegates
May 8th 1700

The message yesterday by Coll^l Addison Coll^l Courts and Esq^r Brookes relating to the money raised for the building the church was here read and this house concurs therewith and it is resolved that the money be lodged in Maryland in the hands of his Ex^{cy} the p^rsent Gov^r Coll^l John Addison Thomas Brookes Esq^r Coll^l John Hammond and Thomas Tasker Esq^r and full power is given them by this house to receive the said moneys treat and agree with any undertakers for building the church and upon such agreement and p^rformance to pay them out of the said money as agreed for

Signed p Order W^m Taylard
Clk house of Dellegates.

Proposed by a Member whether the house and Lott shalbe taken of Maj^r Dorsey as they now are or that he be oblidge to repaire them

Putt to the Vote

And Carryed by the Majority of voyces that the said Maj^r Dorsey shall repaire the house

And thereupon Ordered that he be allowed Ten pounds Sterl. for one yeares rent of the houses which is recommended to the Committee of Accounts for Alloweance

The Bill for Suppressing Criminalls &c^a Read the 2^d time & Resolved it doe pass with some small Amendment.

Bill for Reviveing Some Laws, viz^t

Bill for quieting differences between Engl^h and Indians

Bill for lessening Talbot County and Constituteing anoth^r &c^a.

Sent up to his Ex^{cy} and Councill by M^r Phillemon Loyd and Doctor Loockerman

The Indentures for Election of Coll^l W^m Peirce a member P. R. O.
for Cecile County was brought into the house and Comitted to the Committee of Election and privilegeidges to enquire into the Same and make reporte thereof to this house

A Message by the Hono^{ble} Coll^l Hutchins and Coll^l Hammond was read and referred till the afternoone

Bill for Speedy Tryall of Criminalls Read the 3^d time with the Amendmt

Ordered it be Engrossed

The Committee of Election and privilegeidges enters the house and gives there reporte in Wrighteing to the hono^{ble} Speaker which follows viz^t

This Comittee haveing before them the Writt of Election of One Dellegate to Serve for Cecil County and haveing Examined and inspected the returne doe finde and reporte that Coll^l W^m Peirce is duely Elected and Chosen a dellegate to Serve for Cecill County and Indentures thereof returned according to Act of Assembly

Jno Stanley Clk of Election and Privil^s

May 8 1700

Which being read it is ordered that Coll^l W^m Peirce be desired to walke in the house

Thereupon Coll^l W^m Peirce a Member for Cecill Co^{ty} enters the house and is desired to take his place

The hono^{ble} James Frisby and Thomas Brookes Esq^{re} enter the house and delivers M^r Speaker the following Bills

Bill for reviewing some Laws &^{ca} Endorsed May 8th 1700
Read and will passe

W Bladen Clk Council

Bill for divideing Talbot Connty and constituteing an- fo. 46
oth^r &c

May 8th 1700

Endorsed Read and Rejected

Signed per Order W Bladen Clk Council

Sent up to his Ex^{cy} and Council by M^r Saunders and Capt Phillips

The Bill for Speedy Tryall of Criminalls and the message this day prepared relateing to the money for building the Church.

The same Gent are likewise desired to Accompany Coll^l W^m Peirce to his Ex^{cy} in Council to see him sworne

They returne and say they have delivered the message and that Coll^l Peirce is sworne

Thereupon Coll W^m Peirce was desired to take his place.

P. R. O. The Peticon of some persons that Guarded the Prisoners preferred to this house for an allowance

Was Read and Orderd the same be Comitted to the Comm^{rs} of Accompts for allowance

The Bill for Repeale of all Laws et^a

Read the first time and Orderd to be read agⁿ

The Peticon of Xpher Mounts als Anderson for Naturallization was here Read and

Resolved a Bill be drawne for the purpose

The Peticon of Coll Ninian Beale thereby complaining ag^t Mr Clement hill Surv^r for Prince Georges County for not returneing a Cert. &ca according to the duty of his office

The consideration whereof is referred to the Committee of Agrievances to enquire into the truth of the premises and are desired to make a Speedy reporte thereof to the house

The Address to his Maj^y being prepared was brought into the house and here Read and Orderd to be engrossd

The house adjournes till 2 o clock in the afternoon

fo. 47

Post Mered^m

The house mett againe and being called over were present as in the morning The message brought here in the morning by Coll^t Hutchins and Coll^t John Hammond which follows viz^t

By the Councill in Assembly
May 8th 1700

1 In answer to the houses message yesterday Mr Phillⁿ Loyd and Mr Walter Cambell, as to the disbandeing & calling in the Rangers it is the Opinion of the Majority of this board that it is adviceable the rangers be kept out and not taken of least the inhabitants on the frontiers upon any suddaine or Violent Accōn should withdraw and desert there plantacōns

Yett if the house of Dellegates are desireous to have them disbanded this Board will not obstruct the Same nor cann they be answerable for any Mischiefe that may happen for want of them

2 As to renewing the Order for running out the Chop-tanck and piscattaway Indians Lands advised that the same be effectually renewed and All Acts of Injustice done them

3 That the friendship of the Susquehannah and Schavannore Indians be secured by making a Treaty with them they seemeing to be of Considerable moment and not to be Slighted

4 That as to the disposing of the Forte it be left to his Ex^{ty} all things of that nature being lodged in him

Lastly it is proposed that the House renew their Ordinance P. R. O. for the Com^{ee} appointed last yeare to meet upon any Suddaine Occasion that may happen.

Signed p Order W Bladen Clk Councill

Which is here read

fo. 48

And Considered that the Rangers may be taken of and is further Resolved and Ord^d that the Piscattaway Indians Lands be layd out by the direction of Maj^r Boreman according as the Right Hono^{ble} the Lord Baltemore directed him and that the Same may be done effectually

It is orderd that some Gent be appointed to see the Same done who Shall have power to Summons the said Maj^r Borman and the King's Survey^{rs} of the County where the lands lye to lay the same out and ascertaine the bounds thereof and th^t notice be given Some of the Cheife men of the Piscattaway Indians at the time and place aforesaid to meet and see the land Survey^d and acertaind as aforesaid and that if the Indians shall returne and inhabitt upon the said land quietly and peaceably as formerly then all Plantacōns within there bounds shalbe left and abandoned to them and the possessor there of receive Sattisfaccon for the same out of the Publick Stock

And all other things contained in the said message the house assent.

And Orderd that a message be prepared and sent up to his Ex^{cy} and Councill to this purpose.

And resolved that an Ordinance be drawne for laying out and ascertaineing the bounds of the Choptanck Indians lands and that M^r Thomas Ennalls and the Clk of this house are order to prepare the Same ag^t tomorrow morning

The Bill for Repealing Certaine Laws in this Province and Confirmeing others.

Read the 2^d time and Will passe.

Bill for naturallization of Michael Rattican and others read the first and Second time and will pass.

Addiconall Bill to the Act touching Coopers &c^a

Read the first and Second time & will pass

Which said Three last Bills were sent up to his Ex^{cy} and Councill by Coll^l John Tompson and Coll^l Whittington

M^r Robert Masons Peticōn P^rsented this house where he prays an Allowance of 2½ pCent for Six hundred and Seventy pounds Ster^{ls} remitted home by bills upon the Publick Acco^{ts} for w^{ch} the Pet^{rs} correspond^t charges him.

Which being here read

fo. 49

It is Orderd that if M^r Mason make it appeare to this house that he has been soe charged the next Assembly will take consideration thereof that the same be allowed accordingly

P. R. O. The Hon^{ble} Robert Smith and Francis Jenkins Esq^{re} enter the house and delivers M^r Speaker the following message viz^t

By his Ex^{cy} the Gov^r and Councill in Assembly
May 8 1700

In answer to the message by M^r Saunders and Captⁿ Phillips relateing to the Church the Gent proposed to be entrusted are very desirous to promote the building of the Church and willing to doe there utmost to advance the same wherefore they accept of the said Trust provid^d the house agree they should lodge the money when by them received in some able and responsible merchants hand in London to be now named by the house and there to lye till called out of his hands but not at the risque of the trustees in case any thing should happen to such merch^t

Signed p Order W Bladen Clk Councill

Upon reading the same it is Resolved that when the money shalbe by the Gent rec^d they shall lodge the same in the hands of M^r Micajah Perry and Comp Merchants in London (at the Risque of the Countrey) there to lye till it be called out of their hands by the Gent Intrusted

And Ordered that a Message be prepared and sent for that Purpose which follows viz^t

By the house of Dellegates
May the 8th 1700

The message by the hono^{ble} Robt Smith Esq^{re} and Francis Jenkins Esq relateing to the Church was here Rec^d and Read

It is Resolved that when the money shalbe by the Gent received they shall lodge the same in the hands of M^r Micajah Perry and Company Merch^{ts} in London at the Risque of the Countrey there to lye till it be called out of their hands by the Gent intrusted

Signed p Order W Taylard Clk
house of Dellegates

M^r Attorney Gen^{ll} enters the house and delivers some Bills to M^r Speaker

And says he is Orderd by his Ex^{cy} to acquainte the house that the Bill for Ascertaineing what laws shalbe in force shalbe compared with the former And then the same will pass soe withdrawes.

Capt Hoskins and Mr Elisha Hall sent up to his Ex^{cy} and P. R. O. Council with the message relateing to the Church.

They returne and Say they have deliverd their message

The hono^{ble} Collⁱ Hutchins and James Frisby Esq^{re} enters the house and delivers Mr Speaker some bills

The Act for reviveing some Temporary Laws endorsed

Assented by the house of Dellegates

W Taylard Clk

Which was likewise sent up with the former message relateing to the Church

Collⁱ John Courts and Collⁱ Jno Hammond enters the house and delivers the revivinge some Laws &c^a

Endorsed

Assented to by ye Council

W Bladen Clk Council

Proposed by a Member whether it is not thought reasonable to enquire after the money acco^t appropriated for Arms &c^a

Resolved that his Ex^{cy} be addressed to shew this house an Account of the Three pence p hhd appropriated for Arms &c^a fo. 51 and Orderd that a Message be prepared and Sent for that purpose which follows viz^t

By the house of Dellegates

May 8 1700

It is resolved by this house that his Ex^{cy} be addressed to shew them an Account of the Three pence p hhd appropriated for Arms &c^a

This house humbly prays his Ex^{cy} that such Acco^{ts} (if ready) may be produced to this house for their inspeccon

Signed p Order

W Taylard Clk
house of Dellegates

The Same message sent to his Ex^{cy} and Council by Coll John Thompson and Mr Walter Lane

A new bill for p^rsent Security of the frontier Placōns of this Province against the incursions and Violence of Indians

Read twice and will pass

The same bill sent with the last Message by Collⁱ Thompson and Mr Lane

They returne and Say they delivered their Message and Bill

The Comittee of Agrievances enter the house and p^rsents to Mr Speaker their reporte relateing to Collⁱ Beale w^{ch} follows viz^t

P. R. O. We have Considered Coll^l Beale's Peticon and finde by Affidavits Letters and Severall other Circumstances the case of the said Beales to be a great Agreivance insomuch that if there is not Speedy Care taken to Stopp the like proceedings for the future, may be of very ill consequence to Severall of the inhabitants of this Province

Signed p Order

Jno Dorsey Clk
Coun^l Agriv^{cs}

Which being read and debated It is resolved by the house that the consideration thereof be referred to the next Sessions of Assembly.

And in the meantime notice be given M^r Clement hill that in case he does not make reasonable sattisfaccon to Coll^l Ninian Beale then the said Clement hill is ordered to appeare before this house at the next Sessions of Assembly to answer the Complaint

The hono^{ble} Robt Smith and Francis Jenkins Esq^{re} enters the house and p'sents the Speaker with

The Bill for the p'sent Security of the Frontier ptacons &c
fo. 52 thus endorsed

May 8 1700.

Read the first and Second time and Will pass
W Bladen Clk Councill

And likewise deliverd the following proposall of M^r W^m Dent viz^t

To the hono^{ble} M^r Speaker and the house of Burgesses
May it please yo^r hono^{rs}

The Act Acertaineing the fees of Naturallization Says that such fees shalbe taken for them at the Assembly wherein they pass shall allow to the hono^{ble} Speaker the Attorney Gen^{ll} and Clerke.

Therefore pray yo^r hono^{rs} to acertaine what the fees shalbe for those that are naturallized this Session

Your obedient Serv^t W Dent

Which being Read the fees are Acertained as follows

Orderd that Michaell Bellican for Naturalliza-

tion of himselfe and three children pay to

the hono^{ble} Speaker Twenty Shillings apiece £04.

Orderd that he pay the Attorney Gen^{ll} 01. 00. 00

And to the Clk of the Councill 01. 00. 00

And to the Clk of the house of Dellegates	01.	00.	00	P. R. O.
It is Likewise Orderd that Xphr Monorts for his				
Naturallization pay to the hono ^{ble} Speaker	02.	00.	00	
To the Attorney Gen ^l	01.	00.	00	
To the Clk of the Councill	01.	00.	00	
To the Clk of the house of Dellegates	01.	00.	00	

Maj^r W^m Barton Sherriff of Prince Georges County prayd
Admittance

Who being p^rsent moved for an alloweance for Imprisonmt
fees of Sevⁿ Mallefactors

But forasmuch as the Com^{ee} for Accounts have closed their
Journall it is ordered that he Apply himselfe to the Gent to be
appointed for laying the next Publick Leavy for alloweance.

Hee likewise mooved the house for allowance of Imprison-
ment fees of a Runaway Indian Committed to his Custody

Thereupon he is directed to withdrawe.

fo. 53

Putt to the Vote whether the publick shall pay the fees or
not

Carried by Majority of Votes that the publick shall not pay
the fees

It is likewise putt to the Vote whether the Indian shalbe
discharged from his imprisonm^t or not

Which was carried in the Affirmative.

And thereupon Maj^r Barton by this house is referred to
Prince George's County Court for Sattisfaccōn of the said
Indians fees.

Orderd that if M^r Edward Dorsey as at before the next
provincial Courte shall convey and make over to his Son

Dorsey a reall estate equivalent to the lott and houses
which his said Son hath at Annapolis at his proper Costs and
Charges and shall at his proper Costs and Charges suffi-
ciently now cover and repaire the said houses and at the same
Court convey the said houses and Lott to his Maj^{ty} for a publick
Store or Magazine then his fine of Two hundred pounds shall
not be leavyed and the Attorney Gen^l is hereby Orderd to
see such Conveyance drawn and dispatcht according to law
for w^{ch} he shalbe satisfied by the publick

Otherwise the said fine to be Leavyed

The Pet^{on} of the Ex^{ts} of Van Sweringen relateing to the
Estate of Samuell Withey and Jno Lewellins land for pay-
ment of their debts being againe read the consideration
whereof is referred to the next Sessions of Assembly.

Then was read the Journall of the Com^{ee} of Acco^{ts} and as-
sented to by this house

The house adjournes till tomorrow morning 8 o clock

P. R. O.

Dies Iovis May 9th 1700

The house mett againe being called over

Were p^rsent as Yesterday

Was returned to this house two Indent^{rs} of Eleci^ōn of Two members for Kent County and was comitted to the Committee for Election and Privileidges who are desired to make fo. 54 a Speedy reporte thereof to this house

A Bill for Speedy Tryall of Criminalls &c^a

Read the 3^d time and Assented to by the house of Delegates.

The following Bills Ordered to be sent up to his Ex^{cy}

A Bill for repealing Certaine Laws in this province and Confirmeing others

An Addⁿ Bill to the Act touching Coopers &c^a

A Reviveing Bill

A Peticonary Bill for Confirmeing land Given to the Ministry of Christs Church in Calvert County

A Bill for quieting differences between his Maj^{ty} Subjects and the Indians

A Bill for Religion

The following Bills were brought into the houses engrossed

The Bill makeing Vallid the last Will and Testament of James Tyer of Charles County

A Bill for Speedy Tryall of Criminalls &c^a

A Bill for the P^rsent Security of the frontier Plantacons

Major Thomas Ennalls and M^r Walter Smith Sent up with the said Severall Bills to his Ex^{cy} and his Maj^{ty} honoble Council for their Assent

They retorne and Say they have delivered there message.

Read the proposall of the Committee of Accounts.

Resolved that a P^rsent be made his Ex^{cy}

Putt to the Vote whether Two hundred or One hundred and Fifty pounds shalbe the p^rsent

Carried in the Affirmative and Orderd to prepare a Message for that purpose Committee for Election and Priviledges enters the house and makes reporte Viz^t

This Committee having before them two Writts of Election for two Delegates to leave for Kent County and haveing fo. 55 Examined and inspected the said returns doe finde & reporte that M^r Sollomon Wright and M^r Charles Hinson are duely Elected and Chosen Dellegates to Serve for Kent Co^{ty} and Indentures thereof returned according to Act of Assembly

J^{no} Stanley Clk Committee
of Election and Privil^{ss}

Which being Read It is Ordered that M^r Sollomon Wright P. R. O. and M^r Charles Hinson attend this house

The Gent of the Comitte of Acco^{ts} is Sent up to his Ex^{cy} and Councill with their Journall

They returne and Say they have delivered the same

M^r Charles Hinson A Member of Kent County made his Appeareance

And Orderd that Collⁱ Loyd and M^r Thomas Smith accompany M^r Hinson to his Ex^{cy} & Councill to see him Sworne

They returne and Say they have seen him Sworne.

The Hono^{ble} Robert Smith Esq^{re} and Coll Jno Hammond enters the house and delivers M^r Speaker the Originall Bills

The house adjournes till 2 o Clock in the Afternoone

Post Meredeim

The house mett againe and were called over Present as in the morning and M^r Charles Hinson appeared in the house and tooke his place

Ordinance relating to the Piscattaway Indians

By the house of Dellegates

May 9th 1700

The Answer to our Message yesterday by M^r Loyd and M^r Cambell sent to us by Collⁱ Hutchin's and Collⁱ hamond this house hath considered and doe still desire that according to our former message the rangers may be taken of an is furth^r Resolved and Orderd that the piscattaway Indians land be layd out as Maj^r Borman shall direct according as the R^t hono^{ble} the Lord Baltemore directed him and the same may be done Effectually

Ordered by the house of Delegates that Maj^r James Small-wood M^r Thomas Greenfield M^r John Hawkins or any two of them by there Warrant doe Summons the afd Major W^m Boreman and the Kings Surv^r of Prince Georges Co^{ty} or some other discreete person Skillfull in Surveying and five Substantiall Inhabitants of the said County on or before the first day of August next Ensewing to meet together at some Certaine place upon the said Indian's Land and doe likewise give notice to some fflower or more of the Cheife men of the Piscattaway Indians at time and place afd to meet and doe there Cause the said Indians land to be Survey'd and marked out as the said Maj^r Borman shall direct according as the R^t Hono^{ble} the Baltemore formerly directed him and shall Cause the said Survey^r to make a true Certificate thereof Expressing the meets and bounds under the hand of such Surv^r to be re-

P. R. O. turned to the next Sessions of Assembly to the end that such bounds may by Act of Assembly be ascertained to the said Indians and their Success^{rs} for Evere and that if the said Indians before next Sessions of Assembly shall returne and inhabitt upon the said land quietly and peaceably as formerly then all Plantacōns within there bounds shalbe left and abandoned to them

And all Sherriiffs and other Officers are hereby commanded to be aiding and assisting to the said Maj^r Smallwood and his Associates

To all other things contained in the said Message this house doth assent.

May 9th 1700

Read and Assented to by
the house of Dellegates

W^m Taylard Clk house of Dellegates

Ordinance relateing to a gratuity to his Ex^{cy} the Gov^r being prepared was read as follows

By the house of Dellegates

May 9 1700

Whereas it was proposed by the committee of Acco^{ts} that Since his Ex^{cy} hath been favourably pleased to disband discharge and take of sum of the Rangers from the Garrison or forte, the charge of which would have mounted to by Modest Computation 500 pounds Sterl^s & for other Speciall Services as in lessening many former charges being very Sencible his Ex^{cy} hath not since the last Assembly subjected as to any unnecessary charge and comeing into this Province in a time of very great Scarscity was put to a very great difficulty and Yett never reflected on the Province

The said Committee did therefore make this proposall that a gratuity of Two hundred pounds Sterling be given to his Maj^{ty} for the use of his Ex^{cy} at laying the Leavy if the house please to concurr therewith

To which this house readily concurred

Signed p Order

W Taylard Clk
house of Dellegates

Then was read the Ordinance relateing to the Choptanck Indians as followeth viz^t

By the house of Dellegates

May 9th 1700

Whereas the bounds of the land formerly granted unto Ababsco hardswamp and Pilkwaton the Choptanck Indians

was never runn out and Acertained by means where of sever- P. R. O.
all differences has arrizen between the said Indians and the
English touching the same It is therefore Order^d that Lieu^t
Coll^l Thomas Ennalls the King's Surv^r of Dorchester County
doe resurvey the said land according to the meets and bounds
sett downe in the said Act and that Lieu^t Coll Thom^s Smith-
son of Talbott County Coll Charles Hutchins Maj^r Jacob
Lookerman M^r Thom^s Hicks and M^r W^m Mishew of Dor-
chester County are hereby appointed and empowered to Assist
and direct the said Surv^r in the running out of the same that
noe pson presume to live or Settle on the said land soe Runn
out without it be by the Gen^l Consent of the sd Indians and
that the same be done with all convenient Speed and a faire
Certificate and Platt of the same returnd to the next Ses-
sions of Assembly

Signed p Order

W Taylard
Clk house of Dellegates

Ordinance relateing to Maj^r Dorsey was here read as followeth

By the house of Dellegates
May 9th 1700

Orderd that if Major Dorsey at or before the next Prov^l
Court shall convey and make over to his Sonn
Dorsey a reall Estate equivalent to the lott and houses which fo. 59
his said Sonn hath at Annapolis formerly in the occupation of
James Cullen at his proper Cost and charge sufficiently new
Cover and repaire the said Houses and at the same Court
convey the said houses and Lott to his Maj^{ty} for a Publick
Store or Magazine then his fine of Two hundred pounds shall
not be leavyed and the Attorney Gen^l is hereby ordered to
see such Conveyance drawn and dispatcht according to Law
for which he shalbe satisfied by the Publick. Otherwise the
said fine to be Leavy^d

Signed p Order

W. Taylard Clk house
of Delegates

Eod. Die

Assented to by the Councill in Assembly

W Bladen Clk Councill

All which said Ordinances were sent up to his Ex^{cy} and
Councill by M^r James Saunders M^r Benjⁿ hall M^r John hall
M^r William Parker Coll^l W^m Peirce and M^r Thomas Hicks
for their Assent

The Gov^r Visitors and Trustees of the ffree Schoole sent
the Message to the house viz^t which was here read

P. R. O. By the Gov^r Trustees and Visito^{rs} of the ffree Schoole
May 9th 1700

Agreed that the Library be placed in the ffree schoole in the roome pitched upon untill such time as it can be otherwise Disposed of without any rent or consideration therefore.

Signed p Order W^m Bladen Clk Libⁿ School

Orderd that Maj^r Thomas Smith and Coll^l John Tompson returne the Governo^r and Visitors of the ffree schooles thanks for their concurrence in ordering a roome in the Schoole house for a Library

The Peticon of W Barton being read here and for as much as the same have allready been here considerd and debated this house will not reasume the same therefore rejected

Orderd that Doctor Bray be returned thanks from this house for his Exct Sermon of that text Remember thy Creator
fo. 59 in the days of thy youth and Acquainte him that this house desires the same may be printed

Orderd that Coll^l Loyd Doctor Loockerman Maj^r Walter Smith and M^r John Wight goe to Doctor Bray with that Verball message

John Mitchells Peticōn read

It being for an Alloweance for attending as doore keeper to the honorable Councill

The Consideration whereof is referred to the laying the next Publick Leavy

Coll^l Loyd and others Orderd to attend Doctor Bray returne and say they have delivered their message & that Doctor Bray returnes thanks to the house for their favours.

Proposed by a Member of this House whether it be not reasonable that the Act for Religion and address to his Maj^{ty} be comitted to the Care of Doctor Bray to be sent for England to which this house unanimously concurred and Ordered Message to be prepared and Sent for that purpose which follows in these words viz^t

By the house of Dellegates
May 9th 1700

Proposed by a Member of this house whether it be not reasonable a Coppy of the Act for religion and Address to his Maj^{ty} be comitted to the care of Doc^r Bray to be sent for England.

This house desires it may be soe if to his Ex^{cy} and Councill it shall seem meet

Signed p Order W Taylard Clk
house of Dellegates

M^r Tilghman and M^r Charles Hinson sent to his Ex^{cy} and P. R. O. Councill with the address to his Maj^{ty} and the last Message.

They returne and Say they delivered the message.

Coll^l Jowles Coll Addison Coll^l Courts M^r Brookes and Coll Hammond enters the house and delivers a Letter from his Ex^{cy} viz^t

Gent I am glad you have soe good an Impression of my ^{fo. 60} accons and I will allways bend them to yo^r Services and ever esteem myselfe oblidge for all markes of respect you shall thinke mee deserving of, tho yo^r regard seems to be retrenched to what they were when I was a Stranger to you but notwithstanding Gent I will allways vigourously assert what I have soe often promised in being as good a Steward for you as I cann which will consequently tend to the Sattisfaction of the Province for it will allways be such to

Yo^r most oblidge faithfull Serv^t.
N. Blakiston

M^r W^m Bladen delivers to the house Some proposalls in wrighting which was ordered to be entred as followeth

May 9th 1700

Proposed to the hono^{ble} the house of Dellegates

That if the house are desirous the body of Laws should be printed soe that every person might easily have them in their houses without being troubled to goe to the County Court house to have recourse thereto

That the house made an Order for the printeing thereof and that every County be Oblidge to take one faire Coppy endorsed and Titled to be bound up handsomly and that for the encouragement of the undertaker each County pay him therefore 2000^{lbs} of Tob^o upon delivery the said booke of Laws

That if the house are willing and desireous to have the Prison built it will be undertaken as prescribed for Two hundred and Sixty pound one payment to be made upon Raiseing the wall Plate the other upon finishing

If the house have not leizure to contract for the building thereof that they will be pleased to appoint two such as they shall thinke fitt to make choice of

All which will be readily undertaken and with the blessing of God Carefully accomplished by yo^r most humble Servant to command

W Bladen

P. R. O.
fo. 61 Resolved that M^r Bladen according to his proposall have liberty to printe the body of the Law of this province if so his Ex^{cy} shall seem meet And it is likewise unanimously resolved by this house that upon M^r Bladens delivery of one Printed body of the said Laws to each respective County Court within this province for this encouragement Shall have allowd him Two Thousand pounds of tob^o in each respective County as aforesaid

And as to the other Proposall relateing to building a prison

This house have resolved and doe authorize and empower M^r James Saunders M^r Sam^l Young and Cap^t Jno Worthington to treate contract and agree with any undertakers that will undertake building the Prison according to demencōns sett downe in the Journall of the last Sessions of Assembly for which this house doe agree to satisfy the undertakers out of the Publick Stock any Sume agreed for not exceeding Two hundred pounds Sterling

The Hono^{ble} Robt Smith And Francis Jenkins Esq^{re} enter the house and bring with them the Order relateing to Doctor Brays sendeing the Act for Religion and address for England (thus endorsed) Assented to

by his Ex^{cy} and Councill
W Bladen Clk Councill

And likewise delivered M^r Speaker the following message

By the Councill May 9th 1700

Proposed that the house take care to appointe some Certaine psons to draw Orders for the money to be pd the Rangers who are in present want

Signed pr Order W Bladen Clk Councill

Thereupon resolved by the house that Coll^o John Hammond M^r James Saunders and M^r Sam^l Young be and are hereby appointed to Satisfy and pay out of the Publick Stock all such sums of money that is this p^rsent Sessions allotted to be paid to and upon Acco^t of the rangers and that they have and this house doe give them full power to draw and Sign Orders on M^r Rob^t Mason late publick Treas^r of the Westerne Shoare for payment thereof

fo. 62 Proposed by a Member of this house whether it be not reasonable that a Committee be appointed of some Member of this house to Joyne with some gent of the hono^{ble} Councill (at the fall) to assess and apportion the Publick Leavy

Thereupon Resolved Nemine Contradicente that a Bill be P. R. O. drawne for that purpose and that the Hono^{ble} M^r Speaker for Talbott County M^r Thomas Waughop for St Marys Citty Maj^r John Lowe for St Marys County Maj^r Thomas Smith for Kent County Capt Richard Hill M^r James Saunders for Ann Arrundell County Maj^r Walter Smith for Calvert County Capt Phillip Hoskins for Charles County M^r John Hall for Baltemore County Coll^l John Thompson for Cecill County M^r Thomas Greenfield for Prince Georges County M^r Thomas Ennalls for Dorchester Co^{ty} and M^r John Bosman for Sommersett County be and are hereby appointed to Joyne with such Committee with some Gent of the hono^{ble} Councill to assess and apportion the Publick Leavy who likewise in the said Bill are to have full power to raize and Assess for defraying the Publicks further charge other somes of tob^o not Exceeding 6000[o] lbs tob

And thereupon it is orderd that such bill be prepared

Which bill being prepared was read in the house the first and Second time and doe pass

The Same was sent up to his Ex^{cy} and Councill by M^r Tilghman and M^r Leech

They returne and say they delivered the bill

The hono^{ble} Robert Smith Esq^{re} and Francis Jenkins Esq enter the house and brought with the bill for Apporcōning the Publick Leavy this present yeare 1700 Thus endorsed

This bill will pass with amendm^t leaveing out the Clause relateing to the Banke together with the foll^g message

W Bladen Clk Councill

By the Councill in Assembly

May the 9 1700

The Bill for Empowering a Comittee &c was read at the Board and will pass upon leaving out the clause touching fo. 63 Money and disposing it for this Board hold it not at all adviseable to leave the publick banke quite empty especially till such time as the face of Affaires are better settled, the leavy at this time being soe very easy

Signed p Order W Bladen Clk Councill

Which being here read it is Resolved the Same clause be left out as required and that a new Bill be presently prepared by the Committee of Laws

The Hono^{ble} Robert Smith and Francis Jenkins Esq^{re} brought with them the following Ordinances viz^t

Ordinances for laying out the Choptanck Indians Land endorsed

P. R. O. Eod Die Order^d accordingly by his Ex^{cy} and his Maj^{ts}
Hono^{ble} Councill

W Bladen Clk Councill

The Ordinance relateing to the Piscattaway Indians re-
turnd to the house with the following Message viz^t

By his Ex^{cy} the Gov^r and Councill
in Assembly May 9th 1700

Altho this Board cannot but Joyne with yo^r house in acer-
taineing the Indians bounds yett they can by noe means con-
sent to forsake a plain Record that Acertaines those bounds,
to depend, on the uncertaine remembrances and direcon of
an old deafe man as Maj^r Borman is

Wherefore this Board purpose that the said Indians bounds
be againe run out to them by the psons nominated as the
same bounds are Expressed on Record in the Councill Bookes
of the Ld Baltemore and that noe pson be permitted to Seat
or dwell within those bounds unless such Indians have given
their Consent and rattified the same according to form or
Ordinances of Assembly

Signed p Order W Bladen Clk Councill

Which being here read and debated the house conceive the
matters relateing to the said Indians is too tedious now further
to proceed thereon

It is Resolved that the further Consideracōn thereof be re-
ferred till next Session of Assembly

fo. 64 The Ordinance relateing to Maj^r Dorsey's houses was re-
turnd to this house endorsed thus

Eod Die Assented to by the Counc^l in Assembly

W Bladen Clk Councill

Proposed by a Member of the house whether it will not be
of Great Ease to the publick that the pris'ners now in Custody
Come to a Speedy Tryall to which the house readily agreed.

And resolved that his Ex^{cy} be addressed to issue his Maj^{ts}
Speciall Commission of Oyer and Terminer for that purpose
when to his Ex^{cy} it shall seem meet

Orderd that Coll Thompson and M^r James Saunders goe
with the said Message

They returne and say they delivered the same and that it
was his Ex^{cys} pleasure to say that Speedy Justice shalbe done
therein and that they shall come to their Tryall Some time in
the next Moneth

The Bill for Apportioning the Publick Leavy with Amend^{mt} P. R. O. was here read the first and Second time and doe pass and

Orderd that Benjⁿ Hall and Doctor Lookerman carry up the said Bill to his Ex^{cy} and hono^{ble} Councill which was here assented to by the house of Dellegates

Who returne and say they have del^d the Bill

The Hono^{ble} James Frisby and Francis Jenkins Esq^{re} enters the house and delivers to M^r Speaker The Bill for apportioning the Publick Leavy (endorsed) Assented to by his Ex^{cy} and Councill
W Bladen Clk Councill

Whereas this house upon inspecting the formall Journalls doe finde that M^r Xpher Gregory late Clerke of the house of Dellegates have been already paid and allowed for one years Sallary and forasmuch as the said Xpher Gregory in some time about the Eighteenth day of August last dyed which was two moneths before the year was compleated (that is to say) To the 20th of Octob^r then following and for that W^m Taylard the p^rsent Clk haveing Since his death Officiated the said Office in what fo. 65 was requisite wherefore it is the Opinion of this house that the Adm^r of the said Christopher refund to be paid to the said W^m Taylard Two thousand pounds of tob^o for services by him done for the remaineing Two moneths to compleate the yeare for which the said Xpher Gregory hath been already paid the Consideration whereof is further referred.

By the house of Dellegates
May 9th 1700

Resolved that Captⁿ Richard Hill with all convenient Speed build and finish a prison after the same dimencōns as proposed the last Sessions of Assembly only the foundation thereof to be of Stone and the other parte of the wall up to the plate with Brick to be well and Substantially built on Some lott in this Towne as his Ex^{cy} the Gov^r shall please to direct and to be paid for the same Sum of One hundred and Fifty Pounds Sterling out of the publick Stock of this Province if his Ex^{cy} and Councill shall concurr therewith

Signed p Order
house of Delegates

W Taylard Clk

To which his Ex^{cy} and Councill would not assent unless the same be built with Stone according to the dimentions in an Ordinance of the last Sessions of Assembly.

Therefore the same is referred to the Gent appointed to contract for Such building

P. R. O. Coll^d Jno Thompson and M^r John Hall carry the Journall of the money Accounts to his Ex^{cy} and Councill for their Assent

They returne and say they have brought with them the Journall of Accounts assented to by his Ex^{cy} or Councill

The Hono^{ble} Robert Smith and Francis Jenkins Esq^{re} enters the house and delivers M^r Speaker the Address to his Sacred Maj^{ty} before sent the hono^{ble} Councill for their perusall and Signeing

fo. 66 Which being signed by them in Councill It was Ordered that the Members of this house Signe the same which was accordingly done

And Ordered to be entered in this Journall which is as followeth viz^t

Most Gracious Sovereigne

Wee your Maj^{ty}s most humble and Loyall Subjects the Burgeses of this p^{re}sent Gen^l Assembly of yo^r Maj^{ty}s Province of Maryland humbly begg leave to address yo^r illustrious Person on behalfe of our selves and those wee represent and in most humble manner to implore the continuance of your Grace and favour towards us and our Act for Establishing Religion in this Province which by the unanimous consent with which it hath passed here appeares to be in the greatest measure deare to us all and which is here prostrated at yo^r Royall feet for favour and allowaunce haveing to the best of our understandings purged it from all those imperfections that rendered our former addresses that way irregular and therefore unacceptable to yo^r Maj^{ty}

Wee are touched with a deep sence of our oversight in our former Act for this purpose and have noe dependance but on your Maj^{ty}s unparralleled goodness and Piety to Excuse our inadvertency in the former and accept of our sincerrity in this and That as by your Maj^{ty}s Heroick and Matchless Valour you have sheilded us from the insults of Enemys abroad you will Crowne those bright accōns by Establishing us in a Pious and Christian peace at home filling our hearts thereby with a deep Gratitude and Cheerfull Obedience for so great deliverances and blessings

And next to the blessing of Religion wee cannott but owne to yo^r Maj^{ty} the great happiness wee enjoy under yo^r Maj^{ty} in the person of his Ex^{cy} Nathan^l Blakiston Esq^{re} our p^{re}sent Governour whose conduct wee acknowledge to be noble and Just equitable and Easy and by whose Example and Assistance wee are very much encouraged in this our unanimous endeavours for Establishment of Religion

fo. 67 May the King of Kings the Lord of Heaven make you a Glorious Prosperous and Renowned King upon Earth and

after many yeares Reigne here Crowne you with the bright P. R. O.
dyadem of Eternall felicity in heaven is the devout and
humble prayers of

Ordered that M^r James Saunders and M^r Benjⁿ Hall goe
and informe his Ex^{cy} that there is not any further business
lyes before this house

They returne and Say they delivered their message

Coll^l John Courts and Coll^l John Hammond enters the
house and informs M^r Speaker that his Ex^{cy} Commands him
and the whole house to attend him at the Councill Chamber
to Compleate this Sessions of Assembly.

Thereupon M^r Speaker and the house repaires to the
Councill Chamber and being admitted M^r Speaker p'sents to
his Ex^{cy} the Severall Bills made this Sessions

To which his Ex^{cy} was pleased to Give his Assent by en-
dorsing the Same viz^t

May 9th 1700

On Behalfe of his Most Sacred Maj^{ty} King William the
third of England Scotland France and Ireland I will these to
be Laws.

N Blakiston

Which being done his Ex^{cy} was pleased to seale the same
all Annext together wth the Broad Seale of this Province of
Maryland

Which laws being soe Signed and Sealed his Ex^{cy} was
pleased to acquainte the house that he thought it convenient
for his Maj^{ty}s Service to Prorogue them untill the nineth day
of July next And that they were thereby accordingly pro-
rogued

And soe ended this Sessions of Assembly
True Copy Examined Will^m Taylard Clk of the
Tho Laurence Secretary house of Dellegates

Endorsed

Maryland

Journal of the House of Delegates from the 26th April to
the 9th May 1700

Transmitted by Coll^l Blakiston in his Lre of the 28th May
1700

Rec^d 26th July 1700

ACTS

Att A Sessions of Assembly held at Annapolis the 26th day
of Aprill Annoq Domi. 1700 were Enacted Viz.

Lib. L. L.
No. 2.
p. 372

An Act for the Service of Allmighty God and Establishment
of Religion in this Province According to the Church of
Eng^d

Forasmuch as in a well Grounded Xtian Common Wealth
matters Concerning Religion and the Hono^r of God ought in
the first place to be Endeavour^d and taken Into consideration
as that which is not only most Acceptable to God but the best
way and meanes to obtaine his Mercy and blessing upon a
People or Countrey.

Be it therefore Enact^d by the Kings most Excellent Maj^{ty}
by and with the Advice and consent of this Present Gen^{ll}
Assembly & the Authority of the Same that all things that
have been heretofore legally done by Vertue of our former
Act of this Province for this Purpose made And beareing the
Title or tending thereto in and Since the Yeare 1692 be
and are hereby Rattified and Confirmed according to the
Reasonable intent and Direction of the said Laws to the
intent that the further Proceedings on Soe Great and Good
a work may be Advanced and p^rfect^d by this Law to which
purpose be it Enacted by the Authority a^f^d that the booke of
Common Prayer and Admⁱstration of the Sacraments with
other rights and Ceremonys of the Church According to the
use of the Church of England the Psalter or Psalms of David
and morning and Evening Prayer therein contained be solemnly
read by all and Every Minister or Reader in Every Church
or other Place of Publick Worship within this Province and
whereas the P^rsent constitution of this Province being in its
infancy will not Admitt of raiseing a mainteynance by way of
Tithes as in England Be it Enacted by the Authority Afore-
said that for the Encouragement of faithfull and Able Minis-
ters laboureing in the Worke of the Gospell to come and
reside in this Province instead of such Tithes usually in Eng-
land as Aforesaid A Tax or Assessment of fforty Pounds of
tobb^o p Pole be Yearely and every Yeare successively Leavied
upon every Taxeable p^rson within Each respective Parrish
within this Province as they have been now are or hereafter
shalbe laid out limited and Appointed by the law of this
Province and Entred upon Record as the said former laws

p. 373

Lib. L. L. therein did direct which said Assessment of fforty Pounds of
 No. 2. tobb^o p Pole shall Allways be paid and Allowed to the Min-
 isters of Each respective Parrish haveing noe other Benefice
 to Officiate in P^rsented inducted appointed by his Ex^{ty} the
 Gov^r of this Province or other p^rson thereunto legally Author-
 ized in manner hereafter Expressed and Ordained And every
 Such Minister is hereby required and Enjoyned to Appointe
 and Constantly to keep a Clerk of such parrish Church and
 to pay and Satisfye such clerke the sune of One thous^d
 Pounds of tobb^o Yearely and Every Yeare out of the said
 fforty Per Pole and to Prevent all Illegall and unlawfull mar-
 riages not alloweable by the Church of England but forbidden
 by the Table of Marriages Be it Enacted by the Authority
 af^d That noe Minister Preist or Magistrate shall P^rsume to
 Joyne togeather in Marriage any P^rsons w^hsoever contrary to
 the Table of marriages by this Act Appointed to be sett up
 in every Parrish Church within this Province nor shall any
 p^rsons forbidden to marry togeather by such Tables of Marri-
 p. 374 ages P^rsume to be joyned in marriage under the Penaltys fol-
 lowing (That is to say) under the Penalty of ffive Thousand
 Pounds of tobb^o upon the Minister Preist or Magistrate
 Joyneing Such p^rsons in Marriage And under the like Penalty
 of Five thousand Pounds of tobb^o upon the p^rsons soe Joyned
 in Marriage to our Sovereigne L^d the King for the uses in
 this Act hereafter mentioned and to prevent any Lay Persons
 from Joyning any p^rsons in Marriage where A Minister or
 Preist cann be had and to Acertaine what shalbe paid for
 marriage

Be it likewise Enacted by the Authority af^d That in every
 Parrish where any Minister or incumbent shall reside or have
 charge of Soules therein noe Justice or Magistrate Shall Joyne
 any p^rsons in Marriage under the Penalty of ffive Thousand
 Pounds of tobb^o for such Offence to Our Sovereigne Lord the
 King as Aforesaid And that it Shalbe lawfull for every minis-
 ter to take receive of every p^rson or Persons by him married
 the Sune of Five Shillings Sterling and noe more any Law
 to the Contrary notwithstanding Provided such p^rsons come
 to such Parrish Church or Chappell at time of Divine Service
 for contracting such marriage And for the better and more
 Effectually collecting the said Duty of Forty Pounds of tobb^o
 p Pole and paying the same to the uses by this Law intended
 and appointed As Alsoe for incorporateing A Polliticall Body
 Capeable in Law to recover and receive all rights and p^rqui-
 sites Accruing or growing due in Law or conscience to any
 Parrish Church or Churches for any Pious use or uses what-
 soever

Be it Enacted that the Sherriff of Each Severall County

shall and is hereby oblidge to Collect and Gather the said Assessment of fforty p Pole of the severall Persons within Each respective Parrish In his County in the same manner and by the same Authority's as the Publick and County Leavy is Collected and shall Pay the same fforty Pds p Pole to the Vestry of each respective Parrish by this Act Constituted and incorporated a body Pollitick If there be noe incumbent or Minister inducted Instituted or Appointed but in every such Parrish where there is such Minister or incumbent and who shall be Legally invested with the said Duty of Forty p Poll the same shalbe allways paid to the s^d Minister or incumbent by the Ord^r of the Vestrye as the same shall Arrize and grow due after such minister or incumbents Quallification as Afore-said Each Sherriff deducting for his Sallary in Collecting the same ffive pounds of tobb^o p Hundred and noe more any useage or custom to the Contrary Notwithstanding. And the better to Execute the trust and Authority reposed in them

Lib. L. L.
No. 2.

P. 375

Be it further Enacted by the Authority aforesaid by and with the Advice and consent aforesaid that the Severall Vestrymen of the Severall Parrish's within this Province That now are or hereafter shalbe chosen and Elected as they have been soe they shalbe and Continue and are hereby Confirmed and Constituted A Body Corporate and soe to remaine and be by Succession in times to come to the uses and Purposes following (that is to say) for the receiveing the s^d fforty Pounds of tobb^o p Poll and the Applyeing and disposeing the same as by this Act Ordained. And the said Vestrymen are hereby Empowred and Enabled by the names of the Principall Vestryman and his brethren Vestrymen of such Parrish to recover take and receive into their Custody and Possession to be disposed of in Pious uses for the bennefit of the Church and Parrish and lands tenements heriditaments or Any Estate in any lands or Tenements of what nature or kind soever or any manner of Goods Chattles Debts Creditts or other P^rsonall Estate of what nature or kind soever And by what manner of way soever Given Granted bequeathed or bestowed either by deed Guift Promise or Grant of the Dono^r or Dono^{rs} in life or by any last will and Testament or any other Honest and lawfull ways or meanes whatsoever which said Vestrys or bodys Corporate are confirmed and hereby made capeable of sueing and being sued by the names and Titles aforesaid of for and touching any the Premises of which Vestry or body Corporate the number shall allways be six at least Except upon Death or Absence of any one of them and in such case of Death or Absence or other Legall incapacity of Serveing the remaineing Parte of Such Vestry shall with all convenient Speed meet and by majority of Vows Elect

P. 376

Lib. L. L. and Choose one or more Sober and discreet P^rson or persons
No. 2

ffreeholders of Each respective Parrish to Supply such Absence or defect and Such P^rsons soe Elected and Chosen after takeing the usuall Oath appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy and the Oath of A Vestryman appointed by this Act (That is to say) I doe Solemnly Sweare and declare That I will Iustly and truely Execute the trust and Office of a Vestryman of this p^rish According to my best Skill and knowledge without Prejudice ffavour or Affection but with Equall right to all P^rsons for the Benefitt of this Church and Parrish and will not diminish or detayne legally Quallified and Presented inducted or appointed by his Ex^cy the Gov^r or other Person legally Authorized thereto any right Perquisite or benefitt given by the Law soe help me God and Subscribing the test and Association shalbe deemed and taken as one of the Vestrye to all intents and Purposes and if any Person soe chosen Vestrymen shall refuse to serve and take the Oaths aforesaid he shalbe fined one thousand Pounds of tobb^o to his Maj^{ty} as Aforesaid and the same method shall allways be Observed to Perpetuate the Succession of the Vestry in all time to come provided Allways that in every Parrish where any minister or

P. 377 incumbent is or shalbe instituted inducted appointed and invested with the fforthy p Pole and resideing therein he shall dureing his continuance aforesaid and noe longer be one of the vestry of such p^rish and Principall of such Vestry altho therebe the number of six Persons before and for keeping A faire Reg^r of all such Vestrys proceedings and for registering of all births marriages and Burialls in Each respective Parrish. Be it Enacted by the Authority advice and consent aforesaid That each Vestry shall and is hereby Obligated to appointe and keep a fitt Person for a Register who shall at all times keep a fair Register of the Vestrys proceedings in Executeing their Trust and Authority which Reg^r shall alsoe take the Oaths Aforesaid and Alsoe an Oath Given him by the said Vestry for the due and faithfull Executing his said Office and shall make true Entrye of all Vestry Proceedings and of all Births Marriages and Burialls Negroes and Mullatoes Excepted (That is to say) the Christian and Sir name with the day month and Yeare of every Such Birth Marriage or Buriall to which Purpose All and Every the inhabitants of Each parish that are either Parents Guardians Overseers Ma^{rs} or Mistresses of any p^rsons borne Buried or married are hereby Enjoyned and required to Give notice to the Reg^r of such Parrish within Two Moneths after such Birth Marriage or Buriall and Pay him Six Pence for entring it at the time of Giveing notice aforesaid under the Penalty of One hund^r

Pounds of tobb^o to such inhabitants as Af^d refuseing or neglecting as Aforesaid And under the Penalty of One thousand Pounds of tob^o to such Reg^r refuseing or neglecting to enter it at the time of Giveing notice af^d haveing recd his fee for the same and such Reg^r is likewise hereby oblidge to shew any pson or psons reasonably desireing it any such Reg^r or Give a Certificate of any Reg^r of Births Marriages or burialls that shalbe reasonably required of him and shall have for his fees from such psons six Pence for any Search and Six pence for any Coppy or Certificate Given as Aforesaid and noe more Hereby rattifying and Confirmeing as vallid all Reg^{rs} or Entries of any births Marriages or Burialls heretofore made with any Clerk of any County Court according to directions of such laws as were then in force before any of these Laws were in being And that the Reg^r of each Parrish may be enabled to performe the charge hereby required of him.

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Be it Enacted by the Authority Advice and consent Aforesaid that if there be any Vestryes of any Parrishes that have not Allready provided good and Substantiall Wrighteing bookes well bound sufficient for Regestring such proceedings in according to the directions of the former laws that in every such case of such neglect or Omission the Vestry of such Parrish shall at the pish charge Provide such Booke or Bookes within six months from the end of this Session of Assembly under the Penalty of five hundred Pounds of tobb^o each Vestryman (The minister only Excepted) neglecting as aforesaid to Our Sovereigne L^d the King for the uses herein mencōnd and that there may be no neglect in the Vestryes or those employed under them in the carefull and conscionable Performances of their Severall Charges in this law contained the said Vestryes are hereby Oblidged to meet frequently or as often as need shall require upon notice Given by the Principall Vestryman of Each Parrish to consult of the methods and ways of performeing the Severall Authoritys reposed in them and from which Vestryes soe Appointed noe Vestrymen without lawful impediment shall Absent himselfe under the Penalty of One Hundred pounds of tobb^o to each Vestryman willfully neglecting to appear as Af^d and under the same Penalty to such Principall Vestryman who shall not appoint such Vestry to meete when need shall require such Omissions & neglects to be noted in the Vestrys Register of Proceedings and recovered in his Ma^{ty}s name And the said Severall and respective Vestryes are hereby further enjoyned that where there is not Tables of Marriages Allready sett up in their respective Parrish Churches with all convenient Speed and within six months at the most to procure A fair Table of marriages transcribed and Sett up in their respective Churches

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Lib. L. L. and the same keep continually in the said Church that psons
 No. 2 being thereby informed what marriages are forbidden may
 Avoide the contracting any such unlawfull Marriage and that
 the said Vestrymen doe once every yeare in or about the
 month of January Yearly make choice and appointe two Sober
 and discreete freeholders of their respective Parrishes to be
 church Wardens for that Yeare upon Penalty of Two hundred
 Pounds of tobb each Vestryman (Except those excepted)
 neglecting either in the table of marriages or appointing
 Church Wardens to our Sovereigne Lord the King as Afores^d
 which Church Wardens soe chosen shall take the usuall Oaths
 and likewise declare on his oath given by the Vestry well &
 faithfully to Execute that Office dureing the ensuing Yeare
 according to the best of his knowledge any such person or
 persons soe Chosen Church Warden or Wardens that shall
 wilfully refuse to Serve in the said Office and take the Oaths
 Aforesaid shalbe fined One Thousand Pounds of tobb^o to our
 Sovereigne Lord the King and the Church Wardens and Ves-
 trye are Authorized and required to take constant care to Sattis-
 fy and pay the pochyall charges and of all necessary repaires
 and Amendments of the respective Churches Chappells or
 church Yards and Cause the same at all times to be repaired
 and Amended as need shall require and Satisfy and pay
 for the same either out of the fforty p poll where noe minister
 is Appointed or out of such other guifts Grants Goods Chat-
 p. 380 tles or Creditts as shall come to their hands for the Church or
 Parrish use if there be any Minister Instituted therein and the
 Vestry have not any Effects in their hands besides the fforty
 p Poll to pay Parrochiall Charges as Aforesaid or to make
 such necessary charges as is required then and not otherwise
 it shalbe Lawfull for the Iustices of the respective Parrishes
 upon application of such Parrish Vestry and Church Wardens
 to Asses the Respective parrishes by A Certaine Sume of
 Tobb^o not Exceeding Tenn Pounds of tobb^o by the Pole in any
 One Yeare which Assessment made by such County Course
 and A Certificate thereof under the County Seale shalbe
 Sufficient to the Sherriff of such County to Leavy such tax
 by the Pole on the Taxables of such parrishes in the same
 manner as other Publick dues are Levied and shall not deduct
 above ffive Per Cent for his Sallary and pay the same to such
 Vestrye for the use Aforesaid and to the intent that this Act
 may Answer the end of the makers w^{ch} is that his Maj^{ts} good
 Subjects of this Province may be instructed in Religion and
 therein of their duty to God his Maj^{ts} and themselves and
 those Pious and Exemplary persons that shall labour therein
 suitably provided for Be it Enacted by the Authority Advice
 and consent aforesaid that noe Minister or incumbent shall at

one time hold more then two parrishes nor two parrishes but by the desire and Agreement of the Vestry of the said Adjacent Parrish and consent of the Vestryes where he Resides and the Appointment of his Ex^{cy} the Gov^r or other Person Legally Authorized thereunto for the time being nor Claime other or larger Parte of the fforthy p Polle than what such Adjacent Parrish shall consent and agree with him to Pay Yearely, And it is the true intent and meaning of this Act that what Sume or Sumes of money Tobbaccoe goods Chattles or any other Interest Except land Given to the use of the Church And the fforthy p Poll that shall come into the Vestrys hands by any meanes whatsoever As Aforesaid shall allways be employed in the first place to repaireing the Church or Chappell and what Appurtaines to it and providing decent Ornaments and requisites for the same and other pochiall charges and in the next Place for and towards the Educateing and Instructing poore Orphans of the Parrish that are not able to procure instruction to themselves and if any thing remaines over and beyond what will Answer these Occasions to such other Pious & Charri-
table uses as as the Vestry and Church Wardens of such Parrish shall find most requisite in their directions and that the Severall Vestrymen of Each respective parrish may not be discouraged to looke After any thing that by any meanes as Aforesaid becomes the Parrish right and due

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Be it Enacted by the Authority Advice and consent Aforesaid that in any Action by them commenced in the name of the Vestry and for the benefitt of the Parrish Afores^d they shall not be Obliged to pay any fees or costs of Suite to any Person or Officer unless they recover in the Same Action nor pay the Defendant any Cost in case the Vestry shall not recover or be cast in Such Tryall and that the Maj^r Part of the members of every Vestry shalbe construed the Vestry capeable to proceed in any Matter and th^t where there are not or shall not be ministers in any Parrish it shall and may be lawfull for the Vestry to provide some sober and discreet person as a Reader and Agree with him for such Service ter[m] of Yeare or otherwise for less time and Allow him his pay out of the fforthy per Poll what parte thereof they shall agree for not Exceeding the one halfe yearely of such Revenue and upon such readers takeing the said Oaths appointed by Act of Parliament Subscribeing the test and Association and procureing Lycence from his Ex^{cy} the Governo^r or other person thereunto Authorized shall and may read Divine Service Homilles and other Good Authors of Practicall Divinity at the usuall times in Church or chappell and therein shall demean himselfe according to the Liturgy of the Church of England as Aforesaid. Lastly it is Ordained and Enacted by the

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Lib. L. L. Authority advice and Consent aforesaid that the Severall fines
No. 2. and forfeitures that shall happen by the tenour of this Act
shalbe recovered by Action of Debt in his Maj^{ty} name heires
or Successor^s and Applied to the use of the Parrish and in
such mann^r as before directed in this Act and that one Act
made at A Gen^l Assembly begunn and held at the City of St.
Marys the Tenth day of May 1692 Entituled an Act for the
Service of Allmighty God &c^a one other Act made at A Ses-
sions of Assembly Begunn and held at the Porte of Annapolis
the Eighth day of May 1695 Entituled An Addiconall Act to
the Act of Religion one other Act made at a Sessions of As-
sembly begunn and held at the Porte of Annapolis the Ninth
day of July 1696 Entituled An Act for the Service of All-
mighty God &c^a And one other made at A Sessions of As-
sembly begunn and held at the Porte of Annapolis the 28th
day of June 1699 Entituled An Act Empowering the Vestry
to Assess their Parrishoners for finishing and repaireing their
Parrish Churches and every parte of Every of the said Laws
be and are hereby Repealed and made void.

p. 383 An Act for Speedy Tryall of Criminalls and Acertaineing
their Punishm^{ts} in the County Courts when prosecuted
there.

Whereas many Acts of Assembly have been heretofore
made against theiveing and Stealing which at this present are
Experienced ineffectuall to Prevent the Committing those
Crimes nor sufficiently to punish them when committed. Be
it therefore Enacted by the Kings most Exc^t Maj^{ty} by and
with the Advice and Consent of this Present Gen^l Assembly
and the Authority of the same that it shall and may be lawfull
to and for the Severall Justices of the County Courts of this
to hold plea of Adjudge and in lawfull manner determine all
theiveing and Stealing of anygoods or Chattles of what nature
or kind soever that are fitt for the necessary use Service or
Support of Mankind not being Above the Vallue of One
Thousand pounds of tobb^o Robbery Burglary and house breake-
ing Excepted and every Person or psons legally Convicted of
any Such theiveing and Stealing (Except before Excepted) by
the Testimony of one or more Sufficient Evidence not being
the party Greived before any Such County Court as Afore-
said shall or may be caused to be punished by paying ffour
fold of the Vallue of the goods so theived and Stollen to the
party or partys greived thereby and by putting in the Pillory
and Whipping soe many Stripes as the Courte before whom

p. 384 such matter is tried shall adjudge not Exceeding fforty which

Court shall Allways adjudge the Vallue of the goods soe theived and Stollen as Aforesaid and of any such persons soe convicted have not Sufficent goods and Chattles or be a Servant whereby he is uncapeable of haveing such goods and Chattles to Sattisfye and pay such fflower Fold as aforesaid in every such case such person or persons shall receive the Corporall punishment as aforesaid and Sattisfye the fower fold and fees of conviction by Servitude the ffreeman being destitute of goods as af^d his time to commence from the time of Conviction as af^d and if a Servant to commence at the end of such Servitude as he is then at such conviction bound to the time of Service to be Adjudged by such County Courte either to the party greived or any other pson the Courte shall order such convict to that will then and their pay or Secure to be paid the sd fflower fold and costs af^d at the discretion of the Courte and if any person or persons shall receive or take parte of such Stollen goods or Assiste the person soe Stealing as Aforesaid to make away or conceale them being legally convicted as Aforesaid shall Suffer the same Paines and incurr the same penalty's with the party Stealing as Aforesaid any Law or useage to the Contrary notwithstanding And if any pson or persons haveing been once convict of any such theiveing and Stealing Except before Excepted and shall after be againe presented for theiveing and Stealing of any goods or chattles said to be above the vallue of Twelve pence it shall not be tryed and determined by any County Courte but the partys p'sented on such p'sentm^t shalbe proceeded against in the Provintiall Courte as a fellow for Simple ffellonye According to the laws of England and the Transcript of his former Conviction and such p'sentment shall by the Clarke of every such County Courte be imediately sent to the then next Provintiall Courte under the penalty of One Thousand pounds of tobb^o to our Sovereigne Lord the King his heires and Successors and the partys wittnesses against such ffellow if in Courte at the time of such p'sentment to be bound over to give Evidence as aforesaid or otherwise if not in Court an Account of their names and places of dwelling to be sent the Attorney Gen^l to be sumoned ag^t the then next Provintiall Co^{rt} in Order to such Tryall and the party p'sented if in Courte to be bound over alsoe by due Course of Law to answer such p'sentment or if not in Courte proceeded ag^t by due course of Law as af^d and to prevent the Multiplicity of Wood rangers Be it Enacted by the Authority advice and consent afd that noe person whatsoever shall presume to range in the woods or fforrest after wilde neate Cattle or horses without a Lycence from his Ex^{cy} the Gov^r in cheife for the time being under the penalty of Five thousand

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Lib. L. L. pounds of tobb^o for every such wilde Creature that such un-
No. 2. licensed Rangers shall kill take or convey away Alive or dead
One halfe to our Sov^eigne Lord the king the other halfe to the
informer or him or them that will sue for the same by Action
of Debt Bill Plaint or informacon wherein noe Essoyne Pro-
texion or wager of law shallbe allowed and that any p^{son} or
p^{sons} whatsoever that shall kill any unmarked swine being
above three months old if not upon his or their owne land or
not in Comp^y with his or their owne Stock shall and is hereby
p. 386 Adjudg^d a hogstealer and Shalbe lyable to restore fflower fold
and Suffer such Corporall paines as ag^t the first Offence in
this Act mentioned and to prevent any such p^{son} or p^{sons}
concealing or disfigureing the marke of Swine killed as afore-
said

Be it further Enacted &^{ca} that if any p^{son} or p^{sons} killing
any Such unmarked Swine in the woods or other, and shall
wilfully disfigure the marke or cutt of the Eare of such Swine
soe as to conceal the true and real marke or whether it were
marked or not shallbe deemed and adjudged a Hogstealer
within the purview of this Act and shall suffer Accordingly
and to prevent the Abuseing hunteing or Worryeing any
Stock of Hoggs cattle or horses with doggs or ortherwise
Be it Enacted that if any p^{son} or p^{sons} whatsoever that have
been convicted of any of the Crimes aforesaid or other crimes
or of Evill fame and disolute liveing that shall Shoot kill and
hunt upon any p^{sons} Land wherein there shalbe A Seated
plantacon without the Owners leave haveing been once before
warned shall forfeit and pay One Thousand pounds of tobb^o
one halfe to our Sovereigne Lord the King the other halfe to
the party Grieved or those who will sue for the Same to be
recovered as Aforesaid And the better to imprinte the paines
and Penaltys of this Law into the mindes of all sorts of People
and to prevent the Committeing any Such Crimes and Offen-
ces as afores^d Be it also Enacted that this Act shalbe pub-
lickly read fflower times a yeare in every Parrish church of this
Province at the time of a full congregation either before or
after Service by the Clerke or reader of such Church under
the Penalty of One Thousand pounds of tobb^o fforfeit to our
p. 387 Sovereigne Lord the King for the use of such parrish to be
paid or recovered of every Clerk or reader soe neglecting.
And be it Enacted that every Clerke of the Severall and
respective County Courts of this Province be and are hereby
Obliged Ex Officio to deliver unto the Several Clarkes of
their parrishes within their Countys a ffair Coppy of this Act
for Publishing and reading as afores^d And be it further Enact-
ed by and with the Authority Advice & consent aforesaid that
one Act made at an Assembly begunn and held at the towne

of Annapolis the 28th day of June in the Eleaventh Yeare of the reigne of our Sovereigne Lord King William the third Anno Dmi 1699 Entituled an Act for Speedy Tryall of Criminalls and Acertaineing their punishm^{ts} in County Courts when prosecuted there all and every clause therein Contained is and are hereby Repealed and made voyde

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No. 2.

An Act for the Present Security of the ffrontier Plantacōns
against the Incursions & Violence of Indians.

Whereas his Ex^{cy} the Gov^r has at A late Treaty with the Piscattaway Indians Renewed the Articles of Peace formerly made betwixt the English and the said Indians who thereupon promised to returne againe and Settle Among us as heretofore and to Observe and Performe the said Articles in all points According to agreement but by reason the time appointed for their returne is not yett Accomplished and in consideracōn of their infidellity and the little regard they have to pforme promises and Agreements with them made Be it Enacted by the Kings most Ex^t Maj^{ty} and by and with the Advice & Consent of this psent Gen^{ll} Assembly and the Authority of the same That Cap^t Rich^d Hill M^r Sam^{ll} Young M^r Jn^o Worthington M^r W^m Hutchinson M^r Thomas Greenfeild M^r Walter Smith M^r Elisha Hall M^r Phillip Hoskins and M^r Benj. Hall or the Maj^r Parte of them be and are hereby constituted and appointed A Comittee to Joyne with his Ex^{cy} the Gov. and his Maj^{ts} Hono^{ble} Councill in adviseing and concerteing such measures as will Suppress any Violence which may be offerred to this Province by the Indians after the breakeing up of this P^rsent Sessions of Assembly untill such time as the s^d Gen^{ll} Assembly cann possibly be convened againe.

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And Be it further Enacted by the Authority aforesaid by and with the advice and consent a^d That Coll Jn^o Thompson James ffrisby Esq^r and M^r John Hall with what other psons they shall thinke fitt be dispatched with all convenient speed to the Susquehannah and other neighbouring Indians to rattiye and confirme the League formerly made with them and to enter into such further Articles as by his Ex^{cy} the Gov^r and Councill and Comittee before appointed shall propose to them And that A Present be given to the said Indians and what shalbe consulted agreed on and done by the Gov^r and Councill with the Advice of the said Comittee is hereby allowed of and Confirmed by the said Gen^{ll} Assembly. This Act to endure till next Sessions of Assembly & noe longer

Lib. L. L. An Addicōnall Act touching Coopers and the Gauge of
No. 2. tobb^o hogsheads.

p. 389 Whereas An Act was made at a Sessions of Assembly begunn and held at the Citty of S^t Maryes the Thirty first day of Sept^r in the Sixth Yeare of the reigne of our Sovereigne Lord and Lady King William and Queen Mary Anno Dmi 1694 Entituled an Act touching Coopers and the Gauge of tobb^o hogsheads in which said Act are severall Penaltys laid on Coopers for their neglect and non performeance of the Severall Clauses in the said Act to them relateing and whereas it plainly appears that the planter or employer is the Principall Transgresso^r of the said Act by causing the Cooper with whom he agrees to make the said Hogsheads of a larger size then is by the said Act provided and directed

Be it therefore Enacted by the Kings most Ex^t Maj^{ty} by and with the advice and consent of this p^rsent Gen^l Assembly and the Authority of the same that any p^rson whatsoever that shall hereafter agree with or employ any Cooper or other person to make tobb^o hogsheads and shall suffer or cause the same to be made of a larger size then by the said Act is directed shall for every Casque or hogshead soe made fforfeit and pay the sume of Two hundred pounds of tobb^o and after the same rate for a greater or lesser quantity the one halfe thereof to be paid to our Sovereigne Lord the King and the other halfe to the informer or him or them that will sue for the same to be recovered by Action of Debt bill Plainte or Information in any of his Maj^{ties} Courts of record within this Province wherein noe Essoyne Protexion or Wager of Law to be Allowed

And be it further Enacted by the Authority Aforesaid That this Law be given in charge by the Iustices of Every respective County in this province to the Grand Jury by them to be enquired of This Act to be and remaine in full force till the Act herein mentioned be repealed or otherwise made void.

p. 390 A Peticonary Act for confirmeing Land Given to Christ Church in Calvert County by the Last Will & Testament of Capt Rich^d Ladd of that County deceased.

An Act for quieting differences that may arrize between his Maj^{ties} Subjects of this Province & the Severall Nations of Indians of what places soever.

Whereas many differences have and may hereafter Arrize and Growe between the English and Indians which for want

of A Speedy way of determineing the same many great charges and illconveniencys have and may happen thereupon by the said controversyes being brought from the remotest partes of this province to be heard and determined before the Gov^r and Councill to the Very great trouble of the persons concerned and the publick charge which to prevent and to give A Speedy redress in all such matters.

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Be it Enacted by the Kings most Ex^t Maj^{ty} by and with the Advice and Consent of this p^sent Gen^l Assembly and the Authority of the same that the p^sons in this Act hereafter mentioned and Appointed be and are hereby Authorized and impowered to heare and determine all manner of Controversyes and Differences whatsoever That shall or may hereafter happen or grow between the English and Indians in private or p^sonall Controversys not Exceeding the Vallue of Twenty Shillings Sterling (That is to say) The Choptico Indians and the English in St. Mary's County and the parts Adjacent Ralph Foster and James Swann and for the Accokick Piscattaway and Paymonkey Indians and the English in Charles and Prince Georges County and the parts Adjacent Coll Jn^o Addison M^r W^m Hatton and Major James Smallwood and for the Susquehannahs Shavannalls and Dellaware Indians and others in those ffrontiers Coll^o Jn^o Thompson and M^r Edward Blay And for the Nanticoke Abapcoes and Haewop Indians and the English in Dorchester County and partes Adjacent Leiv^t Coll Thom^s Ennalls and M^r Thomas Hicks and for the Monokins Rokohankins and Monte Indians and the English in Somersett County and partes Adjacent Coll W^m Whittington and M^r Levin Denwood Sen^r And be it Enacted by the Authority aforesaid that all and every the p^sons in this Act before mentioned be and are hereby Authorized and Empowered upon heareing or determineing any such difference or Controversy as Aforesaid and Judgment thereupon Given either party refusing to performe the same then and in every such case the person or persons so empowered shall by way of distress take into his Custody the goods and Chattells of the Offender and out of the same make full satisfaction to the party Wronged att the discretion of the p^sons soe Authorized and by this Act Empowered and the Overplus to returne to the owners thereof

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And be it further Enacted by the Authority Afores^d that if any such difference shall happen between the English & the Indians in this Province where particular p^sons are not herein nominated and appointed to heare and determine the same as aforesaid that then and in every such case the next Justice of Peace is hereby Empowered to heare and determine the said differences According to the rules & methods herein p^rscribed.

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No. 2. And be it further Enacted by the Authority Aforesaid that
in case of death or Absence of any the p^rsons in this Act
nominated and Appointed that then it shall and may be Law-
full for the Gov^r for the time being to nominate constitute
and Appointe one or more in his or their stead and place
p. 392 who shall hereby have full Power and Authority to doe and
Act in all things as by this Act is directed this Act to endure
for three yeares or to the end of the next Sessions of Assem-
bly which shall first happen

An Act for reviving some Temporary Laws of this Province.

Be it Enacted by the Kings most Excell^t Maj^{ty} by and with
the Advice and consent of this p^rsent Gen^l Assembly and the
Authority of the same That one Act of Assembly of this
Province made at A Gen^l Assembly begunn and held at the
Porte of Annapolis the 28th day of June in the yeare of our
Lord 1699 Entituled an Act for Limittacōn of Officers fees—
one other Act made at the same Assembly Entituled an Act
for Sumoning Grand and Petit Jurys which said two Acts of
Assembly and all and Every Article Clause and thing in the
s^d Two Acts contained shalbe and are hereby Revived and
continued to Stand and be in force and Effect for and dureing
three yeares or to the End of the next Sessions of Assembly
which shall happen after the end of the said Three yeares.

An Act for Repealing certaine Laws in this Province and
Confirmeing others

Whereas diverse laws have been heretofore made in this
Province which time and Experience have rendred useless and
not agreeable to the Present constitucōn to the State of Af-
fares as they are now Settled. Be it therefore Enacted by
the Kings most Exc^t Maj^{ty} by and with the advice and consent
p. 393 of this Present Gen^l Assembly and the Authority of the same
that all Laws made before the beginning of a Sessions of As-
sembly begun and held at the towne of Annapolis the 28 day
of June Anno Dmi 1699 be and are hereby utterly repealed
& made void Except such as by their Perticular Titles are
Expressed & Sett downe in a Schedule or Cattalogue here-
unto Annexed and Acts for Private uses which said Laws soe
Excepted are hereby rattified and Confirmed saveing to any
person the benefitt & Advantage of any Suite or Action which
is Allready commenced or sued upon any the said Repealed
Acts (That is to say) An Act of Recognition

An Act providing what shalbe good Evidence to proove Lib. L. L.
fforreigne Debts No. 2.

An Act for the Encouragem^t of the importacōn of negroes

An Act for Secureing the rights of Severall Persons

An Act for Limittacōn of Certaine Accōns for avoideing
suites at Law

An Act for the Naturallization of Jn^o Ouldson & Math^w
Vandheyden

An Act for the Publication of all Laws within this Province

An Act for taking away all Erro^{rs} improceedings at Law
and Equity

An Act against Ingrossers and Regraters

An Act concerning Indians

An Act Limitting the Extent of Attachments and provide-
ing what shalbe Leavied on Attachments and Executions

An Act Imposeing A Penalty on all such who shall dispose
of tobbo Seized and received by the Sherriff and others

An Act for Appointeing Corroners

An Act for Appointeing Certaine Officers

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An Act for Punishm^t of Persons Suborneing Wittnesses or
Committing Wilfull and Corrupt Perjury

An Act for Settling an Annuall Revenue upon the Gov^r

An Act for Preservation of Severall Harbours within this
Province

An Act for Settling a Standard with English Weights and
measures in the severall Countyes within this province

An Act against Excessive Usury

An Act directing the manner of Electing & Sumoning dele-
gates and representatives to serve in Succeeding Assembly's

An Act for Quieting Possessions

An Act for Repeale of All Laws heretofore made in this
Province and confirmeing All Laws made this Gen^l Assembly

An Act for Appointeing Court days in Each respective
County of this Province

An Act Prohibitting Comm^{rs} Sherriffs Clarkes and D^{ty}
Clerks to plead as Attorneys in their respective County Courts

An Act against the importacōn of Convicted ffellons into
this Province

An Act for Publication of Marriages

An Act for Encouragem^t of learning and Advancem^{ts} of
the natives of this Province

An Act prohitting all Ma^{rs} of Shipps or Vessells or any
other persons from transporteing or conveying away any pson
or psons out of this Provivnce without passes

An Act for confirmeing and making Valid the last Will &
Testament of Augustine Herman

Lib. L. L.
No. 2.
p. 395

An Act for the Naturallization of Peter fferdinando & his Children & others

An Act touching Coopers and the Gauge of Tobb^o hogsh^{ds}

An Act for confirmation for all proceedings Iudiciall Milita^{ry} and Civill from the death of his Ex^{cy} Lion^{ll} Copely Esq^r Govern^r of Maryland unto the Arrivall of his p^rsent Ex^{cy} ffrancis Nicholson Esq^r present Governour

An Act Acertaineing the Expences of the Dellegates of Assembly and the Com^{rs} of the Provin^{ll} and County Courts

An Act for Erecting Ann Arrund^{ll} and Oxford Townes

An Act Empowering Rich^d Bishop of Talbott County Sonn and heir of W^m Bishopp late of Talbott County deceased to Sell and dispose of soe much land as will Am^o to ffifty Thousand pounds of Tobb^o for the payment of the Charges expended in recovering the s^d Estate

An Act for Tonnage and Navall Officers fees.

An Addiconall Act to the Act for quieting possessions

An Act for the Recontinueing the late discontinued process and proceedings of St Maryes County Courte.

An Act for Naturallization of Dan^{ll} Davison Jun^r of Calv^t County

An Act for Settling Ann Arrundell County Court at the Porte of Annapolis in same County.

An Act for Secureing Adm^rstrato^{rs} and Ex^{rs} from double paying of Debts and limitting the time for the Payment of Obligacōns within this province.

An Additionall Act to the Act for Ports.

An Act for the Naturallization of Mathias Mathiason als Freeman and others.

An Act for Acertaineing the fees for Naturallization

p. 396 An Act for division and regulateing Severall Countys within this Province and Constituteing a County by the name of Prince Georges County within the same Province

An Explanitory Act to the Act of Repeale of all Laws heretofore made in this Province and confirmeing all Laws made this Gen^{ll} Assembly.

An Act Secureing p^{sons} rights to Towne Lands.

An Act for laying an Imposicōn on Severall Comodities exported out of this Province.

An Act for the Naturallization of Michael Curtis ond others.

An Act Empowering the Com^{rs} of the County of Kent to purchase three Acres of land whereon to build a Co^{rt} house

An Act for Speedy Justice & Incouragem^t of trade.

An Act for the Naturallization of Jn^o Edgar of Sommers^t County.

An Act for Sanctifyeing and keeping holy the Lords day To the Kings most Ex^t Maj^{ty}

An Act for the Keeping good rules and Orders in the Porte of Annapolis. Lib. L. L.
No. 2.

An Act for confirmeing Titles of Land given to uses of Churches and Chappells.

An Act for the better Enabling Katherine Herman to sell Land in the Porte of Annapolis

An Act Empowering the Com^{rs} of each respective County to purchase land for the use of their respective Courts.

An Act directing and Appointeing to what use the Severall Roomes in the Stadt house in the Towne of Annapolis shalbe Applied to.

An Act for Naturallization Stephen ffancis & Geo. Slaycome

An Act Acertaineing the Bounds and Limitts of Ann p. 397
Arrunⁿ and Baltemore Countys

An Act for Naturallization of Peter Dowdee.

An Act for recontinueing the late discontinued process and proceedings of Cecill County Courte.

An Act for better devision of S^t Paules and Shrewsbury Parrishes.

Act for Enabling Eliz^a Norman Ex^{rx} of George Norman to make over two tracts of land to Jn^o Gadsby & his heires forever.

An Act Empowering the Com^{rs} of Cecill County to hold a Courte this present Yeare in Aprill.

An Act Acertaineing the bounds of a Certaine tract of land to the use of the Nanticoke Indians soe long as they Occuypye and Live upon the same.

An Act Empowering Trustees to purchase lands adjoyneing to the ffountaines of healeing water called the Coole Springs.

An Act to Entitle W^m Coursey and Eliz^a his wife or the Survivo^r of them to sell such lands as were left by Coff Vincent Lowe for the payment of his debts.

An Act Vesting two tracts of Land in John Gadsby sold him by George Norman.

An Act for the Naturallization of Michaell Bellicane Sen^r Michaell Bellicane Jun^r Xpher Bellicane and James Bellicane his sonns and Xpher Mounts all of Cecill County and borne of Dutch parents.

An Act for Establishing and makeing Valid the Last Will and Testam^t of James Tyer of Charles County Gent.

An Act Impowering A Committee to lay Assess and Ap- p. 398
porcōn the Publick Leavy for this Present Yeare 1700.

Whereas this P^rsent Gen^l Assembly have for the defraying the Publick charges of this Province to this Ninth day of May one Thous^d Seaven Hundred raised A Certaine Sume of

Lib. L. L. Tobb^o and money Amounting to the Sume of Two hundred
 No. 2. Twenty two Thousand two Hundred ffifty and Eight Pounds
 of Tobb^o and ffive Hundred Sixty & nine Pounds five shillings
 and Eight Pence Sterling but by reason more Publick charges
 may Arrize and growe due before the usuall and Accustomed
 time of Paym^t which is the tenth day of October Yearely at
 which time againe to Call and Convene the whole Assembly
 for that Occasion only considereing the great Number of them
 & the remoteness of their habitation from the place appointed
 would be very chargeable and burthensome to the whole Pro-
 vince in Gen^l for the Prevention whereof

Be it Enacted by the Kings most Ex^t Maj^{ty} by and with the
 Advice and consent of this Present Gen^l Assembly and the
 Authority of the same that one Burgess or Dellegate out of
 Each County and one out of the Citty of St Maryes Be and
 are hereby Authorized and Appointed A Committee to Joyne
 with some of his Maj^{ty} hon^e Councill to Lay and equally Assess
 the s^d Publick Leavy of this Province Viz of his Maj^{ty} Hono^{ble}
 Councill Thomas Brooke Esq^r and Coll John Hammond and
 of the house of Dellegates Coll Thom^s Smithson Speaker
 for Talbott County Capt Thomas Waughop for the Citty of
 St. Maryes Maj^r Jn^o Lowe for the County of St. Maryes Major
 p. 399 Thomas Smith For Kent County Capt Richard Hill and
 M^r James Saunders for Ann Arrundell County Major Walter
 Smith for Calvert County Capt Phillip Hoskins for Charles
 County M^r John Hall for Baltemore County Coll John Tomp-
 son for Cecill County M^r Thomas Greenfeild for Prince Georges
 County Maj^r Thom^s Ennalls for Dorchester Co^{ty} and M^r Jn^o
 Bozman for Sommersett County or the Major pte of them
 shalbe and appeare at the towne of Annapolis on the Tenth
 day of October next then and there to lay & Assess the Pub-
 lick Leavy Allready raized and Alsoe to Allow Leavy & Assess
 what further charge may Accrew which to them shall Justly
 appeare to be due from the Publick not Exceeding Sixty Thou-
 sand pounds af tobb^o more then what is Allready raized and
 likewise to Apporcōn order and pay out of the Publick Treary
 of this Province the Sume of Five Hundred Sixty nine pounds
 five Shillings and Eight Pence Sterl to the Severall persons to
 whom the same shalbe due as by the Journall of the Comittee
 of Accounts appeares and A fair Journall of All the proceedings
 to deliver to the Clerke of the Assembly for the Sattisfaction
 of all persons therewith concerned and if it shall happen that
 his Ex^{cy} shall please to Convene an Assembly before the Tenth
 day of October aforesaid Then this p^sent Act and All and
 every clause therein contained shalbe Void and of noe force.

COLONIAL OFFICE RECORDS,
B. T. MARYLAND,
VOL. 15.

MARYLAND JOURNAL
OF THE
COMMITTEE OF ACCOUNTS.

APRIL 30th, 1700.

Maryland SS.
Annapolis.

1700 Maryland ss } Tuesday
 Aprill the 30th

P. R. O.
 fo. 1

By Order of the Honble House of Dellegates A Committee
 to Inspect & State the Publick Acc^{ts} of this Province this
 p^rsent Sessions of Assembly; the Gent appointed for the
 Same

Major Thomas Smith Chairman
 Coll John Thompson
 Cap^t Philip Hoskins

Who made Choice of Jacob Loockerman Jn^r to be Clk

Ordered

That Notes be put up att all the Publick places within the
 port of Annapolis to Certifie to all p^rsons that the Com^{it}tee
 of Acc^{ts} is held at the State house in the Com^{it}tee Chamber

To Cæcill County for a boat	720
To Kent County Do	720
To Talbot County Do	720
To Dorchester County Do	720
To Sum ^r sett County Do	720
To Major John Low for his boat	720

4320

1700

To Names of the Severall Dellegates of this p^rsent Generall fo. 2
 Assembly allowed as follows

Baltimore County To Cap ^t John Hall 12 days & 4 Days Itt Charges	2000
To M ^r James Phillips 12 D ^o & D ^o	2000
Annarundell County To Cap ^t Richard Hill 14 D ^o	1960
To M ^r James Saunders 14 D ^o	1960
To M ^r Sam ^l Young 14 D ^o	1960
To Cap ^t Worthington 13 D ^o	1820
Calvert County To M ^r Elisha Hall 14 D ^o & 4 Days Itt Charges	2280
To M ^r Walter Smith 11 D ^o & D ^o	1860
To M ^r John Looock 14 D ^o & D ^o	2280
St Marys County To Major John Low 14 D ^o & D ^o	2440
To M ^r Thomas Beale 14 D ^o & D ^o	2440

P. R. O.	To Mr Nutwell for his Attend ^{ce} the Last Assem- bly 3 Days & 6 Days Itt Charges To D ^o his Attend ^c this Assembly 5 D ^o & D ^o	2080
Charles County	To Cap ^t Philip Hoskins 14 Days & 4 day Itt Ch	2280
	To Major James Smallwood 14 D ^o & D ^o	2280
	To Mr Benj ^a Hall 14 D ^o & D ^o	2280
	To Mr Philip Briscoe 14 D ^o & D ^o	2280
P ^e Gæorges County	To Coll ^l Ninian Beale 14 Days & 4 Days Itt Ch	2280
	To Mr Thomas Greenfield 14 D ^o & D ^o	2280
	To Mr W ^m Hutchinson 12 D ^o & D ^o	2000
	To Mr John Wight 14 D ^o & D ^o	2280
Cæcill County	To Coll ^l John Thompson 14 D ^o & 6 D ^o	2440
	To Coll ^l Hance Hanceson 9 D ^o & D ^o	1740
	To Mr W ^m Harris 4 D ^o & D ^o	1040
	To Coll W ^m Pearce 3 D ^o & D ^o	900
Kent County	To Cap ^t John Whittington 2 D ^o & 4 D ^o	600
	To Major Thomas Smith 14 D ^o & D ^o	2280
		<hr/> £ 54320

1700

fo. 3 Talbott County	To Coll ^l Thomas Smithson 14 Days & 4 Days Itt Ch	2280
	To Coll ^l Edward Loyd 12 D ^o & D ^o	2000
	To Mr Richard Tilghman 14 D ^o & D ^o	2280
	To Mr Philloman Loyd 12 D ^o	2000
Dorchester County	To Left Coll ^l Thomas Ennalls 12 D ^o & 6 D ^o	2160
	To Mr Jacob Loockerman 12 D ^o & D ^o	2160
	To Mr Thomas Hicks 14 D ^o & D ^o	2440
	To Mr Walter Campbell 10 D ^o & D ^o	1880
Sum ^r sett County	To Coll ^l W ^m Whittington 11 D ^o & 6 D ^o	2020
	To Mr John Bosman 11 D ^o & D ^o	2020
	To Mr Walter Lane 11 D ^o & D ^o	2020
	To Mr Sam ^l Collins 11 D ^o & D ^o	2020
	To Cap ^t Richard Hill for his Attend ^{ce} as Prov ^{ll} Justice from the 3 ^d of Octob ^r Last till the 14 th Day in all 11 Days	1540
	To Major Thomas Smithson 11 D ^o & 4 Days Itt Ch	1860

To M ^r James Saunders 11 Do	1540	P. R. O.
To M ^r James Round 9 Do 6 Days Itt ch	1740	
To M ^r John Pollard 11 Do & 6 Do	2020	
To M ^r James Kooth 10 Do & 6 Do	2020	
To M ^r Thomas Greenfield 10 Do & 4 Do	1720	
To Coll John Biggers 2 Do & 4 Do	600	
To Cap ^t Philip Hoskins 8 Do & 4 Do	1440	
To Cap ^t John Hawkins 8 Do & 4 Do	1440	
To Cap ^t Richard Hill for his Attend as Prov ^l } Justice from the 16 th day of Aprill to the 26 th in all 10 Days	1400	
To M ^r James Saunders 10 Do	1400	
To Coll John Biggor 3 Do & 4 Days Itt Charges	740	
	<u>£44740</u>	

1700

The Committee adjournes till tomorrow morning Eight of fo. 4
the Clock

Wednesday 1st May 1700

The Committee mett According to Adjournm^t

P^rsent as before

To Cap ^t Philip Hoskins In Aprill Court 10 Days	1400
To M ^r Thomas Greenfield 10 Do	1400
To Major Thomas Smithson 9 Do	1260
To M ^r James Round 10 Do & 6 Do Itt ch	1880
To M ^r John Pollard 9 Do & 6 Do	1740
To Cap ^t John Hawkins 10 Do & 4 Do	1620
To Coll John Thompson 9 Do	1260
To M ^r James Kooth 8 Do & 6 Do	1600

The Committee adjournes for Two Hours

Post Meridiem

The Committee Mett P^rsent as before

Then came Cap^t Gerrard Slye & Exhibited to this Committee Three Sevrall Accts of Twenty four or 25 Years Standing. Referred to the house—The said Acc^{ts} Sent by Cap^t Philip Hoskins

To M ^r Thomas Blackwell allowed for Ex- } pence of the Grand Jury in Aprill last	3000
	<u>£15160</u>

1700

The Committee adjournes till Tomorrow morning Eight of fo. 5
the Clock

P. R. O.

Thursday 2^dThe Committee mett according to Adjournm^tP^rsent as Before

Cæcill County To M ^r John Carville Sheriff of Cæcill County for Conveying of Publick packetts according to the Act of Assembly from July 1699 untill Do 1700	1000
Kent County To M ^r Elias King Sheriff for Do	800
Dorchester County To M ^r John Taylor Sheriffe for Do	800
Talbott County To M ^r Robert Grundy Sheriffe for Do	1500
Sum ^r sett County To M ^r John West Sheriffe for Do	500
Baltimore County To M ^r Thomas Staly Sheriffe for Do	800
Annarund ^{ll} County To M ^r Thomas Reynolds Sher- iffe for Do	1500
Calvert County To M ^r Thomas Blake Sheriffe for Do 800 ^{lb} tobacco	300
Allowed by Ord ^r of the house out of this allowance to Dan ^{ll} Canin, 500	500
P ^e Georges County To M ^r W ^m Barton Sheriffe for Do	1000
The Committee adjournes for Two Hours	

Post Merid^mThe Committee mett P^rsent as before

St Marys County To M ^r Henry Low Sheriffe for Do	800
Charles County To M ^r Garrett Fowk Sheriffe for Do	1000

£10500

fo. 6	To Dan ^{ll} Canin for Keeping the Gate & Hoysting the flagg from July 1699 untill D ^o 1700	2000	3600
	To D ^o for being Serjent attending the Sessions	1600	
		<u>£3600</u>	
	To M ^r W ^m Bladen for Clk of the Councill from the 19 th Day of No- vember 1699 to the 19 th D ^o 1700	12000	25120
	To D ^o for his attend ^{ce} as being Clk of the Councill in Assembly ut Sup	12000	
	To D ^o 14 Days Expences this As- sembly at 80 pr Day	1120	
		<u>25120</u>	

To M ^r W ^m Taylard Clk of the House of Dellegates from the 26 th of Aprill to the 26 th of Octob ^r following	6000	7120	P. R. O.
To 14 Days allowed him for his Ex- pences this Assembly at 80 pr diem	1120		
	<u>7120</u>		
To M ^r Thomas Blackwell for the Doore Keeper accomodacōn this Assembly	800	950	
To D ^o more	150		
	<u>950</u>		
To James Baker for being Doore- Keeper to the House of Dellegates	1600	1600	
To John Large for being Drum ^{er} to the As- sembly and Prov ^l Court & Cleaning the State house from July 1699 to D ^o 1700		2000	
		<u>40390</u>	

The Comittee adjournes till tomorrow morning Eight of the Clock

Fryday 3^d

The Comittee mett according to adjournm^t P^rsent as before

To M ^r Nicholas Sporne for parte of Grand Jury Expencc in Octob ^r Court 1699	524	fo. 7
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The Comittee adjournes to Munday the 6th Eight in the morning

Munday 6th

The Comittee mett accord: to Adjournm^t P^rsent as before
Ordered

That Notes be putt up to Certifie to all p^{rs}ons that have any publick claimes that they bring in their acc^{ts} by Tuesday 7th Instant otherwise the will be Excluded

To be paid in Cæcill County To Thomas Karsen of Cæcill County allowed by the house of Assembly	1000
To Major W ^m Dent for his fees for Two pris- oners this Last Court & for his Attend ^{ce} of the Councill in November & March Last & Itt Charges	1500
	<u>3758</u>

To M ^{rs} Katherine Cullen in part for Grand Jury Expencc in October Court Last 1699	2476	fo. 8
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P. R. O.	To Major James Smallwood for 50 bushells of Indian Corne gave the Indians by Ord of his Ex ^{cy}	1500
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The Committee adjournes Till tomorrow morning Eight of the Clock

Tuesday 7th

The Committee mett according to Adjournm^t p^rsent as before

To Coll John Hammond for his Attend ^{ce} in the Court of Chan ^{cy} 5 Dayes	700
To Thomas Tench Esq ^r for D ^o	700
To his Ex ^{cy} for the Great Seal as p ^r Acc ^t filed	5280
	<u>£ 10656</u>

Upon Reading the Aforegoing pet^r this house having Considered of what is therein Recomend^d and Resolved that it be referred to the Committee of Accts giving them power to call before them the said Major Dorsey & Demand of him what proposalls he have to make in ord to Discharge his fine in the pet mentioned & make Speedy report thereof to this house for their further Considerac^{on} therein

Wee the Committee of Acc^{ts} in obedience to the above said Ord^r haveing called Major Dorsey before as Did Demand of him what proposalls he will make in Ord^r to discharge his fine, who for answe^r saith that he hath no manner of way to pay the same unless the house will Take away his Servants and Soe Render him & his poore familly Totally Uncapable of their Livelyhood

to. 9	To Coll ^r John Hammond for his attend ^e in Councill 5 Dayes to this Assembly	750
	To Coll ^r Henry Powles for D ^o 2 Days & 4 Days Itt Ch	620
	To Coll ^r John Addison D ^o	620
	To Thomas Brock Esq ^r D ^o	620
	To Coll ^r John Courts D ^o	620
	To Thomas Tench Esq ^{re} to 5 Days & 4 D ^o	1070
	To Coll ^r Henry Powles for Attend ^{ce} in Coun- cill this Assembly 14 Days & 4 Days Itt Charges	2420
	To Thomas Tench Esq ^{re} D ^o	2420
	To Coll ^r Charles Hutchins to 14 D ^o & 6 Days Itt Ch.	2580
	To Coll ^r John Addison to 14 D ^o & 4 D ^o	2420
	To Coll ^r John Courts D ^o	2420
	To Coll ^r John Hamond 14 Days	2100

To James Frosby Esq ^r 13 D ^o & 6 Days Itt Ch	2430	P. R. O.
To Coll ⁱ Francis Jenkins 12 D ^o & 6 D ^o	2280	
To Thomas Brooke Esq ^{re} 14 D ^o & 4 D ^o	2420	
To Robert Smith Esq ^r 7 D ^o & 4 D ^o	1370	

Memorand^a

Out of Collⁱ Ninian Beale's allowance this Assembly he assigns to M^r Thomas Beale of St Marys County Eighteen hundred pds of Tobacco as per his Assignm^{ts} filed

To John Stanly for Cryers ffees for Trying of four Criminalls & for being Clk to the Comittee of Ellecōn of privileges & his Expences this Assembly	1664
	<u>£ 28824</u>

The Co^mittee adjournes till tomorrow morning Eight of fo. 10 the Clock

Wednesday 8th

The Co^mittee mett according to Adjournm^t p^rsent as before.

To M ^r Peter Dent ffor being Clk to the Co ^m - ittee of Lawes & his Expences	1800
To Jacob Loockerman J ⁿ r for being Clk to the Comittee of Acco ^{ts} & his Expences	2200
To M ^r W Bladens man for Ingroseing	400
To M ^r Topp Minister of the Gospell for his Attend ^{ce} in the prov ^{ll} Court and Assembly	3000
To W ^m Gouldthorpe for Carrying of Severall people over the ferry & for other publick Charges being formerly omitted	420
	<u>£ 7820</u>

The Comittee adjournes to the House May 8th 1700
Jacob Loockerman Jⁿr Clk

Mem^o to Deduct 720^{lb} of Tobacco out of Major Lows allowance for his boat w^{ch} is not allowed

Memorand

To be Deductted out of Coll John Addison allowance Twelve hundred pds of Tobacco being due to the Country for a boat

Mem^o to be allowed to Thomas Tasker Esq^r
for Three days attend^c and 4 days Itt
Charges

fo. 11

P. R. O. Allowed to Thomas Jones one of the Clk As- }
 sistant to the house of Dellegates } 1000

Memorandⁿ

To allow Major W^m Dent at the Laying of
 the Leavey for Attending this Assembly
 his Expences

May 8th 1700
 Read & Assented to by the
 house of Delegates
 W Taylard Clk house of
 Delegates

May 9th 1700
 Read & Assented
 to by his Maj^{ties}
 Honble Councill
 W Bladen
 Clk Counc^l

fo. 12 The Province of Maryland D^r to Cash

To his Ex ^{cy} the Gov ^r for Bills of Exch ^e Lent the Country to pay the Rangers	} 200. 00. 0	} £. s. d.
To his Ex ^{cy} for Transcribing the Laws for the Severall Countys according to Ordi- nance		
	} 120. 00. 0	} 320. 00. 0
	<u>320. 00. 0</u>	

To M ^r Amos Gerrett To Sundry goods Delivered to the Indians by Ord ^r of his Ex ^{cy} as pr Acct proved and filed	} 006: 11: 08

To his Ex ^{cy} for Two pieces & half of white Callicoe given to the Indians	} 003: 15: 00

To M ^{rs} Katherine Cullen for Expences of Major Smallwood & Eight In- dians as pr Acct filed	} 002: 06: 00

To M ^r John Hawkins for two yards Broadcloth 12 Armes Length of Ronoak, a p ^r of Shooes and Stokens Delivered the Indians by Major James Smallwood	} 001: 04: 06

To James Stoder for 12 passages for the Indians Two Lodgings & 4 Dietts for the men that was with them	} 000: 18: 00

To David Mackelfish for 20 passages & Liquer for the Indians	} 001: 06: 00

To John Vaughdrey Interpreter	002: 00: 00
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To Major James Smallwood for his Trouble, horse higher & other Charges aboute the Indians affaires	} 005: 15: 00

To Mr W ^m Taylard for 6 quier of paper for use of the Comittees	}	000:	06:	00	P. R. O.
To Cap ^t Philip Hoskins to pay Thomas Mudd being prest for the Interpreter to goe 30 Miells	}	000:	09:	00	
To John Dorsey for being Clk of the Comittee of Agrivances & his Ex- pences this Assembly	}	003:	10:	00	
Carried over		£ 348:	01:	02	

1700

Pr Contra Cr (rest blanck) fo. 13

1700

fo. 14

The Province of Maryland D^r to Cash

Brought from the other side		348:	01:	02	
To Dan ^l Canin for Mending the Ditch and Accomodating the Men while they were at work and for Setting up the house of Ease.	}	002:	03:	00	
To Coll ^l John Thompson for going to Jo ⁿ Hances to gett the Indian in	}	000:	10:	00	
To Mr W ^m Bladen for his Man & horse being prest to goe after the prisoners Escaped & his man for Mending the Prison	}	000:	07:	06	
To the Reverend Doct ^r Bray allowed by Ord of the house	}	050:	00:	00	
To Mareen Doval & the men with him for Bringing the prisoners that made their Escape and other Charges	}	002:	00:	00	
To Major Edw ^d Dorsey for Rent of a house for the Kings powder a yeare	}	010:	00:	00	
Charles County To Major James Small- wood for ferryage the Last Assembly & this p ^r sent Assembly	}	000:	08:	00	
To Cap ^t Philip Hoskins D ^o		000:	08:	00	
To Mr Benj ^a Hall D ^o		000:	08:	00	
To Mr Philip Briscoe D ^o		000:	08:	00	
Baltimore County To Mr John Hall D ^o		000:	08:	00	
To Mr James Phillips D ^o		000:	08:	00	
St Georges County To Mr Thomas Green- field D ^o		000:	08:	00	

P. R. O.	To Mr W ^m Hutchinson D ^o	000:	08:	00
	To Mr John Wight D ^o	000:	08:	00
	To Coll ^l Ninian Beale	000:	08:	00
	Carried over	<u>£417:</u>	<u>01:</u>	<u>08</u>

fo. 15

1700

(blank page)

fo. 16

1700

	The Province of Maryland D ^r to Cash			
	Brought from the other Side	417:	01:	08
	Calvert County To Major Walter Smith D ^o			
	for ferryage	000:	04:	00
	To Mr Elisha Hall D ^o	000:	04:	00
	To Mr John Leech D ^o	000:	04:	00
	To Mr W ^m Parker D ^o	000:	02:	00
	To Coll ^l John Addison for ferryage the } Last Assembly & this p ^r sent Assem- bly as Counciller	000:	08:	00
	To Coll ^l John Courts D ^o	000:	08:	00
	To Thomas Brooke Esq ^{re} D ^o	000:	08:	00
	To Coll ^l Henry Jowles D ^o	000:	04:	00
	To Thomas Tasker Esq ^{re}	000:	04:	00
	To W ^m Roaper for looking after the } prisoners for 2 nights	000:	03:	00
	To Robt Morriss 1 Night D ^o	000:	01:	06
	To Patrick Dunkin 1 Day and Night D ^o	000:	02:	06
	To Thomas Roaper 4 Days & one } night & for his horse being prest 2 } Days for D ^o	000:	10:	06
	To Thomas Lee for 1 Night D ^o	000:	01:	06
	To Ball ^e Due to the Rangers	143:	19:	00
		<u>£ 564:</u>	<u>05:</u>	<u>08</u>
	To Major Thomas Smithson Speaker			
	for his Extraordinary Expences	005:	00:	00
		<u>£ 569:</u>	<u>05:</u>	<u>08</u>

May 9th 1700Read & Assented to in the
house of DelegatesW Taylard Clk house
DellegatesMay 9th 1700Assented to by his Maj^{ty}s
Honb^{le} Councill

W Bladen Clk Council

Contra	1700				P. R. O. fo. 17
By Mr Robt Mason Treasurer of the Western Shore as per his Acc ^t here- unto annexed beareing date the 6 th May 1700			£	s	d
			384:	01:	05
	May 8 th 1700				
	Jacob Loockermann J ⁿ r Clk				

1700 fo. 18

The Province of Maryland D^r to Cash

A list of the Souldiers for his Maj^{ty}s Service from June the
11th 1699 to the 6th of February 1699/700 under the Com-
mand of Coll Ninian Beale viz^t

To the said Ninian Beale 241 Days }	£	s.	d.
Servservice 3 ^s 4 ^d per day }	040:	03:	04
To Thomas Orton D ^o at 2 ^s 6 ^d per day }	030:	02:	06
To Ja Leyler D ^o D ^o	030:	02:	06
To W ^m Thompson D ^o & D ^o	030:	02:	06
To Theopholis Bishop D ^o & D ^o	130:	02:	06
To Godfrey Barnes D ^o & D ^o	030:	02:	06
To John Jones D ^o & D ^o	030:	02:	06
	<u>£ 220:</u>	<u>18:</u>	<u>04</u>

Under the Comand of Cap^t Richard Owen

To Cap ^t Richard Owen from June the 18 th to the 6 th of February is 234 Days at 3 ^s 4 ^d per Day }	039:	00:	00
To W ^m Cutler a trooper 36 D ^o at 2 ^s 6 ^d p Day }	004:	10:	00
To Hump ^r Beckett till 17 th 8 ^{ber} 122 D ^o at D ^o }	015:	05:	00
To John Banks D ^o	015:	05:	00
To Thomas Reyley D ^o	015:	05:	00
To W ^m Semon D ^o	015:	05:	00
To John Neuby Till the 29 th Febru- ary 224 Days }	028:	05:	00
To Henry Emerson D ^o	028:	05:	00
	<u>£381:</u>	<u>18:</u>	<u>04</u>

Foot Souldiers viz^t

To John Withers till 8 ^{br} 17 th 86 Days at 18 ^d per Day }	006:	09:	00
---	------	-----	----

P. R. O.	To Francis Bettelley, D ^o	006:	09:	00
	To Josep King D ^o	006:	09:	00
	To Nath Bignall D ^o	006:	09:	00
	To W ^m Culer in the foot D ^o	006:	09:	00
	To W ^m Sewell D ^o	006:	09:	00
	To John Beale from the 29 th Jan ^{ry} till the 6 th Feb ^{ry} at 2 ^s 6 ^d	001:	00:	00
	To John Harris D ^o	001:	00:	00
		<u>£422:</u>	<u>12:</u>	<u>04</u>

fo. 19

1700

Pr Contra Cr

(blank)

fo. 20

1700

The Province of Maryland D^r to Cash

A list of the Souldiers for his Maj^{ty}s Service und^r the Com-
and of Coll Ninian Beale from the 6th of February 1699 to
the 6th of May 1700

	£	s.	d.
Brought from the other side of the Rangers Acc ^t	422:	12:	04
To Coll Ninian Beale for 91 days at 2 ^s 4 ^d per Day	015:	03:	04
To Thomas Orton D ^o at 2 ^s 6 ^d pr Day	011:	07:	06
To James Leyler D ^o & D ^o	011:	07:	06
To W ^m Thompson D ^o & D ^o	011:	07:	06
To Theophilis Bishop D ^o & D ^o	011:	07:	06
To John Jones D ^o & D ^o	011:	07:	06
To Capt Richard Owen D ^o at 3 ^s 4 ^d p ^r Day	015:	03:	04
To John Harris D ^o at 2 ^s 6 ^d p ^r Day	011:	07:	06
To John Beale D ^o & D ^o	011:	07:	06
To Godfrey Barnes D ^o & D ^o	011:	07:	06
	<u>£543:</u>	<u>19:</u>	<u>06</u>

fo. 21

1700

Pr Contra Cr

By his Ex ^{cy}	200:	00:	00
By M ^r Rob ^t Mason Treasurer of the Western Shore	200:	00:	00
By Ball ^e Due to the Rangers from the Country	143:	19:	00
	<u>543:</u>	<u>19:</u>	<u>00</u>

Memorand^m

P. R. O.

Out of the said Ball the Rangers has Order'd to Coll John Addison Twenty Two pounds Twelve shillings and four pence

1700

Maryland ss

fo. 22

The Province of Maryland is D^r to Severall paym^{ts} made by Robt Mason by the Order of his Ex^{cy} Gov^r Blackiston & Councill For which he Humbly Craves allowance

To Money Due to this Acc ^t the Ball of his Acc ^t 1699 as p said Acc ^t appears }	188:	11:	00
To Money paid Charles Kilbourne for Going up the Bay to Give Notice to Ships about the peirott p Order of the Gov ^r of Councill }	001:	03:	00
To Money paid the Widow Gary	000:	02:	03
To Money paid John Large sent on an Express to Coll ^t Addison aboute the Indians }	000:	09:	00
To Money allowed M ^r Sam ^l Chew by Order of Assembly for 25 Negroes Accounted for in the Last Acc ^t }	025:	00:	00
To Money paid John Large by Ord ^r of the Gov ^r for Going to Baltemore County }	000:	07:	00
To Money paid Henry Ffish pr Ord ^r Coll ^t Hammond for Iron Worke for Stadt house }	002:	10:	00
To Money paid pr Ord ^r of his Ex ^{cy} the Rangers Expence at M ^{rs} Gross }	008:	01:	06
To Money paid Coll ^t John Addison by Ord of his Ex ^{cy} at the Councill for the Rangers }	200:	00:	00
To My Sall of £854: 08: 11 at 4 ^{li} p ctt as p Cont. Cr.	034:	03:	06
To Ball Due from this Accounttant	384:	01:	05
	<hr/> £ 854: 08: 11 <hr/>		

May the 6th 1700

Error & Omissions Excepted

p me Robt Mason
Treasurer for the Western Shore

P. R. O.
fo. 3

1700

Pr Contra Cr by Severall Rec^d of the Nav^l Officers
which he Chargeth himself with

By M ^r John Hall's bond due to the Country	}	030:	00:	00
By M ^r W ^m Bladen Tenths of his place		008:	00:	00
By Tobacco & Charge myself for Pr George's County 5944 at 6 ^l per ctt	}	017:	16:	03
By Money rec ^d of M ^r Plater his Tenths		006:	10:	02
By Ball of M ^r Platers Acc ^{ts} for Ru ^m Negroes and Servants	}	329:	08:	11
By Ball ^{ce} of Major W ^m Dents Acc ^t for Ru ^m	}	021:	18:	00
By Ball ^{ce} of M ^r W. Bladens Acc ^t for Ru ^m Negroes and Servants	}	289:	04:	05
By Ball of George Muschamps Esq ^{re} Acc ^t of Ru ^m Servants and Negroes	}	151:	11:	02
		<hr/> £854: 08: 11		

A true Copy of M^r Masons Acc^t Taken
Jacob Loockerman Jn^r Clk to the
Com^{tee} of Acc^{ts}

Vera Cop^a Exam^d p
to Taylard Clk house Dellegates

Indorsed

Maryland

Journal of the Com^{tee} of Accounts April 30th 1700

Transmitted by Coll Blakiston in his Lre of 28 May 1700

Rec^d 26 July 1700

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, May 8 to May 17, 1701.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

NATHANIEL BLAKISTON,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss^t

Att a Councill in Assembly held att the Town and Porte of Annapolis on Thirsday the Eighth day of May in the Thirteenth Year of the reign of our Sovereigne Lord William the third by the Grace of God of England Scotland France & Ireland King Defender of the Faith &^c Annoq Dni 1701.

Original
Journal.
P. 1

Present

His Excellency Nathaniel Blakiston Esq^r
Cap^t Generall & Governo^r in Chief of this
Province

The Hon ^{ble}	{	Tho ^s Tench Esq ^r	}	Robert Smith Esq ^r
		James Frisby Esq ^r		Col ^o J ^{no} Hammond
		Tho ^s Brooke Esq ^r		Francis Jenkins Esq ^r

His Excellency is pleased to lay before the Board what he Intends to say to the house of Delegates of Assembly now returned to Serve att this Sessions and Asks their Advice thereon whether the same be Proper or not to which they answer they do Conceive it very Proper and Advisable being as followeth.

Gentⁿ

The last Assembly having Continued some Years I was Advised by his Ma^{ty}s Councill here that Notwithstanding all things had been hapily Enacted and Concerted by them for the Advantage of the Province yet it would be to the Generall Satisfaction of the Inhabitants to have a New Election wherein I am Glad to find so good a Judgment of the People in sending so many of you whose Services in the former Session have so well deserved from them as also the other Gentⁿ that appear with you whose Characters stand very fair with me

I must Confess I am much in the Dark as to the State of our Laws which are of the greatest moment to us and were sent home the last Assembly, and was not without hopes, that long ere this I should have rec^d some Instructions Concerning them, That if there had been any irregularity or false steps therein to have had it Corrected this Sessions, But some unexpected Accidents as we are Informed have alarm'd Europe and no Ships Arriving from thence in some Time we may Justly Conjecture has been the reall Impediment, but we are Crown'd with That blessing of having a Prince and Patron

p. 2

Original Journal. that will Assert both our Libertys & Propertys with all that Vigour Courage and Conduct that ourselves Can hope or wish for

p. 3 Gent. I have now been some years amongst you w^{ch} has given me the oportunity to pass my Scheme of Probation with you, and I will Venture upon all the Severity that reflection can produce, If I have not been Strictly Just to what I have first Promised at my Coming into the Governm^t in making you Easy both in your Persons and Purses and hope to revit & Cement that friendship which was then Created and I shall always hold a Sincere & open way of Dealing the most Effectual means to Continue a good Correspondency which will

p. 149 Equally Conduce to your Satisfaction as well as my Own.

What we are now met to Consult shall be Proposed and Communicated to you in the usual Method of Message and Conference, and I am morally Assured you will never faile me in those Good Expectations I have from you for his Ma^{ty}s Service and the good of the Province.

Notice being given to the Members returned to Serve this Assembly and now Assembled att the State house to Attend his Excellency & Councill att the Councill Chamber accordingly they came up & made the following Appearance.

For St. Mary's City	{ George Muschamp Esq ^r Col Henry Lowe
For St Mary's County	{ M ^r Kenelm Chiseldyne Thomas Beale Maj ^r John Lowe M ^r William Watts
p. 4 for Kent County	{ Col John Hynson Col Thomas Smith Cap ^t John Whittington M ^r John Salter
for Ann Arundell County	{ M ^r James Sanders Col William Holland M ^r Sam ^l Young Cap ^t John Dorsey
for Calvert County	{ Major Walter Smith M ^r Will ^m Parker M ^r Elisha Hall M ^r John Smith
for Charles County	{ L ^t Col James Smallwood Major W ^m Dent Cap ^t Benj ⁿ Hall M ^r Philip Lynes

for Baltimore County	{ Major Edward Dorsey M ^r John Hall M ^r Sam ^l Sicklmore	Original Journal.
for Talbott County	{ L ^t Col ^o Thomas Smithson Col Edward Lloyd M ^r Richard Tilghman M ^r Philemon Lloyd	
for Dorchester County	{ Doc ^r Jacob Lookerman M ^r Hugh Eccleston M ^r John Le Counte	
for Somerset County	{ Col ^o William Whittington M ^r John Bozmane Cap ^t John Franklyn	
for Cecil County	{ Col ^o John Thompson Col S ^t Leger Codd M ^r William Harris M ^r Mathias V: derhayden	
for Prince George's County	{ M ^r Thomas Greenfield M ^r William Hutchison M ^r John Wight M ^r Robert Bradley	P. 5

Which said Gent having taken the Oaths apointed by Act of Parliament instead of the Oaths of Allegiance & Supremacy and Subscribed the Test and Association in presence of his Ex^{cy} the Governor and his Ma^{ty} honble Councill his Excellency directed them to repaire to their House and Choose their Speaker as they have heretofore used, whereupon they go down and after a short time again returne & Present L^t Col^o Thomas Smithson to be their Speaker who having made his request to be Excused therefrom. His Excellency notwithstanding is pleased to approve of him and on his Desire is pleased to grant the Members of the house Protection for their persons freedom of Debate & Access to his Person

Came M^r Samuel Young and M^r George Muschamp from the house who present M^r William Taylard to his Ex^{cy} desiring he may be Comissionated Cl^k of their house which his Excellency is pleased to approve of.

And Accordingly the said M^r Taylard took the Oaths appointed by Act of Parliam^t Instead of the Oaths of Allegiance & Supremacy and the Oath of Clerk of the house of Delegates, Likewise Subscribed the Test & Association

The Board adjourned till 8 of the Clock to morrow morn-
ing.

Original
Journal.Friday May the 9th 1701

The Councill Sate Present as Yesterday.

The Petition of John Ryan of Dorchester County complaining ag^t Col Henry Mitchell and his Overseer for taking up his Sloop Pillaging and deteining his Goods & Provisions without which he is not able to sustein his Wife and Ten Children. His Excellency is pleased to recomend the same to the Worshipfull his Ma^{ty}s Justices of Calvert County to inquire thereinto and do the Petitioner Speedy Justice

Came from the house Col^o Edw^d Lloyd and Eleaven other Members who bring the following Answer to what his Excellency was pleased to say to them Yesterday which is as followeth viz^t

May it Please Your Excellency.

The Easiness which his Ma^{ty}s Subjects in this Province were imediately sencible of att the first Commencem^t of Your Government & the Exact Constancy of it in its Progress Assures us that it is the innate & genuine disposition of your Excellency to facilitate the People under your Conduct, and as we have found yo^r Ex^{cy} allways and att all times Just & Prudent in Publick affairs and Sincere and Candid in Per-
 p. 7 sonall, so shall you find a cheerfull Obedience & ingenuous dealing from us and a perfect desire to avoid the least flaw of Contention, and inviolably to maintaine that perfect Harmony and Correspondency which hitherto we have kept and have the same thoughts with your Excellency & Councill that the usuall method of Messages and Conferences conduces much thereto.

Neither the dissolution of the last Assembly nor any other Act of your Excellency hath been displeasing to us, and although att this present Meeting You may see some new Faces yet shall you find in the whole the old disposition to his Ma^{ty}s Service and the good of this Province which we hope will never look differing ways.

What of late may have prevented Ships and Consequently kept us in the dark as to the State of our Laws we know not, but since we enjoy the present Comfort of them and are Assured they are in the hands of so good a Prince and Patron, we will Sitt down in hopes of an Answer to our Satisfaction, being now ready to receive what Proposall shall be sent to us from Your Excel^{cy} & his Ma^{ty}s hon^{ble} Councill.

May the 9th 1701 Signed p Order of the House of Del
 W Taylard Cl House Del

Upon his Excellency's laying before the Board the R^t Hon^{ble} the Lords Com^{rs} of Trade and Plantations L^{res} of the 3^d Decemb^{er} 1700 as to the first Paragraph relating to the number of the Inhabitants and Planters his Ex^{cy} saith that he hath with great Difficulty att last sent them to their Lordships, also their L^{dps} L^{re} of the 4th January 1700 Signifying that our Laws sent for England were Still lying before his Ma^{ty}s Attorney & Sollicitor Gen^l his Ma^{ty}s Pleasure att present unknown thereupon.

Original
Journal.
p. 8

Therefore it was proposed that a Conference should be had with the house as in the following Message sent by the hon^{ble} Thomas Tench Thomas Brook, Ja^s Frisby Esq^r and Col John Hammond viz^t

By his Ex^{cy} the Governor and Councill in Assembly
May the 9th 1701.

Gentⁿ

It seems to us that the most Important Service will be Capable of it the due Consideration and reflection we ought to make upon the present state & Condition of our Laws sent home for England the last Assembly and now as we are Informed by the Lds Comiss^{rs} of Trade and Plantations lying before his Ma^{ty}s Attorney and Sollicitor Generall not as yet Certain what determination they may fall under from his most Sacred Majesty in regard of some Apparent Inconveniencies Especially in the Law entituled an Act repealing Certain Laws of this Province and Confirming others wherein we are doubtfull to make the same unhapy Mistake as in the Year 1699 by Joining them alltogether so that it has been Offered That his Ma^{ty} Cannot give his Consent to any Laws unless all, and in the like maⁿer disallow any Single Act the whole Involved in the same Determination upon this Important Occasion.

p. 9

We are very desirous to have a Conference with M^r Speaker and Some Competent Number of Your house, that if possible we may timely obviate any Prejudice or detriment arising therefrom in which we shall heartily Join with you.

Signed p Order W Bladen Cl Concil.

The Board adjourned 'till 2 of the Clock in the afternoon

Post Meridiem

The Councill again Sate Present as in the morning
Came the hon^{ble} Co^l John Addison who took his seat
the Board.

Original Journal. Cap^t William Hutchison & M^r Robert Bradley Came from the house with the houses Answer as to the Conference Proposed viz.

p. 10 By the House of Delegates May the 9th 1701

In Answer to the Message this morning by Thom^s Tench, Thomas Brooke, James Frisby and John Hammond Esq^r Wherein his Excellency is desirous of a Conference with the Speaker & some Competent Number of this house. It is resolved That the Speaker & whole house Attend his Excellency and Council on the Conference when and where his Excellency shall please to Appoint.

Signed p order W Taylard Clk

Ordered that M^r James Frisby & M^r Robert Smith Cary the Answer of this Board to the House viz^t

By his Ex^{cy} the Governo^r & Council in Assembly
May the 9th 1701.

His Excellency and this Board will be ready to receive the House upon the Conference Proposed by Eight of the Clock to morrow morning

Signed p order W Bladen Cl Concil

The Board adjourned till 8 of the Clock tomorrow morning

Saturday May the 10th 1701

The Council in Assembly Sate Present as Yesterday Came Major Dorsey & M^r Parker from the House and present Major Thomas Hamond returned a Delegate for Bal-
p. 11 temore County who took the Oaths appointed by Act of Parliament & Subscribed the Test & Association

Came M^r Speaker with the members of the House to Attend his Excellency & Council upon the Conference Yesterday proposed

Whereupon his Excellency Orders the following Paragraphs in the Lords Commission: of Trade & Plantations Lre to his Ex^{cy} of the 4th of January 1699/700 to be read viz

What has been done by the Generall Assembly is not Agreeable with his Ma^{ty}s Intentions and Especialy it is most irregular that soe many Laws of different kinds should all be Enacted together by one Single Act which is that Intituled an Act Ascertainig the Laws of this Province by which means it

was made Impossible for his Ma^{ty} to disallow of any of those Acts without making void the whole and this did oblige us because of some things that we found not fitt to be allowed to represent to his Ma^{ty} our humble opinion that the Aforesaid Act might be disallowed which his Ma^{ty} has been pleased to do Accordingly

Original
Journal.

We are further to Observe to you That an Act for the Service of Almighty God and the Establishment of the Protestant Religion having been Enacted there formerly and disallowed by his Ma^{ty} in 1695 was nevertheless reenacted in 1696 and now again in 1699 without any materiall Alteration in the thing for which it has been so disallowed this obliged us further to Offer unto his Ma^{ty} that the s^d Act as Passed in 1696 might be disallowed also which his Ma^{ty} in like maⁿer has been pleased to Agree to, And it is accordingly disallowed (together with the foresaid Act for ascertaining the Laws of that Province) by his Ma^{ty}s Order in Councill of the 30th November last which we send you here inclosed, by this means the Laws of Maryland (Excepting this one of 1696) are just in the Same State that they were before the Assembly mett which revised the two foresaid Volumes, & you may further observe by the Inclosed Copy of a Paper presented to us by some Considerable Merchants here, and that there are other strong objections ag^t the foresaid Act of 1696 beside what we Offered to his Ma^{ty} thereupon

p. 12

But now the better to avoid any Mistake for the future in things of this kind We advise you to be mindfull of his Ma^{ty}s Instructions about making all Laws (as much as Possible) indefinite & without Limittation of time and against the reenacting of Laws without his Ma^{ty} Express Consent, the Consideration of that Instruction & the Reason of it might have helped to prevent your mistake upon the other, and to this we Add, that as you see now the inconveniency of Passing so many Laws of Different Kinds by one Single Act wherefore your Care hereafter must be not onely that Each Act be passed Severally, but also that different matters be not mixed in the Same Act, and that nothing be put into any Act (as it is notoriously in that for the Service of Almighty God) of another Nature than what is agreeable to the Title of it, That so any particular Matter or particular Act may be approved or disallowed of by his Ma^{ty} without Involving others that have noe Relation thereunto in the same Determinacon

p. 13

Also a Paragraph in their L^{ps} L^{re} to his Excellency of the 3^d of December 1700 viz^t

The Acts of the Generall Assembly of that Province that you have lately transmitted to us, are now in the hands of M^r Attorney Gen^l for his Opinion thereupon in Point of Law, and

Original Journal. that for Religion being amongst the rest when they Come back to us, whatsoever has been alledged either by yo^rselfe or the

Councill of Maryland in their Letter to us upon that Subject Shall be duly Considered in the mean while upon Occasion of
 p. 14 Acts lying either with the Attorney or Sol^r Generall you will do well to take notice that it will be for the Service of the Province that an Agent be Constituted with Authority and Instruction from thence to Solicite the dispatch of that and all other Publick business wherein the Province is Concerned the Charge need not be great it is a thing done by most of the Plantations and Proves very usefull to them

Upon reading of which it Came into Debate whether all the Laws desired to be in force should not be reenacted singly one by one as the best means to Obviate the Misfortune that may happen by his Ma^{ty}s Pleasure in disassenting to any one Act Enumerated in the repealing and Confirming Laws, made last Assembly

In Answer to which it was the Opinion of the house that by his Ma^{ty}s Order in Councill of the 30th of November 1699 none but the Laws Enumerated & particularly mentioned in the Act Ascertaining the Laws of this Province were thereby Repealed. however they desired to have Copys of the s^d Paragraphs of their L^{ps} L^{res} and leave to consider them in their house which being given them they took leave and repaired to the House.

p. 15 Ordered that Notice be given to the Justices of the Several County Courts, That every June Court they take New Bonds of the respective Sherriffs According to Act of Assembly and Immediately transmitt them to the Se^{cy}s Office

The Board adjourned till 8 of the Clock on Monday morning

Munday May the 12th 1701.

The Councill in Assembly Sate Present as on Saturday Saving Thomas Tench Esq^r

George Plater & George Muschamp Esq^{rs} his Ma^{ty}s Receivers within this Province being Sent for.

His Excellency is Pleased to inquire into what Security those Gentⁿ have given for the due Execution of their Offices and finding th^t M^r Robert Mason & M^r Philip Clark who were M^r Muschamps Securitys are both Dead his Excellency is pleased to require other new Security.

M^r Plater & M^r Muschamp Ordered to lodge a Copy of their Accounts of the 3^d p^h h^d for Arms in the Clk of the Councils Office Yearly that that revenue may Appear.

The s^d Gentⁿ Depart

Upon the Death of Mr James Rounds one of the Justices of the Provincial Court.

Original
Journal.
p. 16

Ordered That Liev^t Col^o William Whittington Succeed him.

His Excellency proposes to the Board if it may not be advisable upon this Rumour of an unavoidable Warr in Europe it should be recommended to the Assembly to Consider what Measures will be most advisable to be taken to render the Militia here more usefull ag^t any Suddain Emergency or Invasion by a forreign Enemy, Whereupon the following Message Sent to the house by Col^o John Hammond and Col^o Francis Jenkins viz^t

By his Excellency the Gov^r & Councill in Assembly
May the 12th 1701.

His Excellency having this day required our Sentiments upon the Rumour of an unavoidable War likely to Ensue in Europe what Methods would most Conduce to the rendring the Militia of this Province more usefull and necessary for the defence thereof ag^t any suddain Invasion from a forreign Enemy We recomend it to your Consideration wherein the Militia may be the better regulated for the defence of the Province and that you will Acquaint us with the Resolutions of Your house thereupon

Signed p order W Bladen Cl Concil

Came Col^o John Hynson & 11 other Members from the house with the following Address to his Ex^{cy} viz^t

By the house of Delegates May the 12th 1701.

p. 17

May it please Your Excellency.

By this our humble Address we represent to your Ex^{cy}

1 That we find by our Journalls and other Proceedings that out of the 12^d p^hh^d By the Law of this Province settled on his Ma^{ty} for the Supporte of Government &c. his Ma^{ty} has been Graciously pleased to direct three pence thereof towards Supplying the Province with Arms Amunition and Implements of War which by the Blessing of God & Your Ex^{cys} good Conduct & Care has Supplied us with a Sufficient quantity in Number tho: many deficient in quality and we hope money in Bank upon the Same fund.

2 That these Rumours of Wars as it prompts all others so as to put ourselves in the best Posture of Defence we are able by Cleansing & making fitt for Service those Arms &

Original Journal. Implements of War we have many in the Severall Countys being unservisable and out of Kelter.

From these premises we pray yo^r Excell^{cy} to Condescend & give Orders that so much money out of that fund as upon a reasonable Computation shall be Judged necessary may be applied to fitt & make Serviceable those Arms & Imple-
 p. 18 ments of War in the sev^rall Countys as may Compleat the Same and that some fitting Persons in the Severall Countys may be Impowered to receive the said Money and see the work performed &c. And return an Account thereof to Your Excellency which We humbly hope and Conceive is consonant to his Ma^{ty}s gracious Intentions and will be favorably received and Granted by your Excellency.

Signed p order W Taylard Cl house Del.

Which being read att the Board his Excellency requires their Opinion if the Applying part of the 3^d p hh^d by his Ma^{ty} given for purchasing Arms & Amunition for the Service of this Province to the Cleansing and keeping the said Arms well ffixed and in good Order be Consonant to his Ma^{ty}s Intention in bestowing that Revenue, to which they Answer that they do believe it is.

Whereupon his Excellency is pleased to send the following Answer to the house by Thomas Tench & James Frisby Esq^r

Gentⁿ

His Ma^{ty} has been very gracious in having a peculiar Care to avoid the laying of any Burthen upon you in this Province he having allotted the 3^d p hh^d for the Purchasing Arms &c. Tho most of his Governm^{ts} in the West Indies to my knowl-
 p. 19 edge are Constrained to Supply themselves.

I must remark to you that the Money arising from the Duty of 3^d p hhd is to be disposed onely by my Selfe and his Ma^{ty}s Councill here and therefore must be very Cautious in making any misapplication of it but since this Seems not to cary the face of being repugnant to my Instructions or att least by the Litteral Words I must Construe it soe & that it will be an Ease to the Country which I am allways ready to Oblige, The Gentⁿ of his Ma^{ty}s Councill are pleased to Joine with me in Assenting to it and desire you will make your Proposals what may be Expected Sufficient for each County
 Gentⁿ

Yo^r humble Serv^t
 N: Blakiston

The Board adjourned till 8 of the Clock to morrow morning

Tuesday May the 13th 1701
The Councill in Assembly Sate Present

Original
Journal.

His Ex^{cy} the Governour

The Honble	{	Thomas Tench Esq	}	James Frisby Esq ^r	}
		Col ^o John Addison		Robert Smith Esq ^r	
		Thoms Brooke Esq ^r		Col ^o Francis Jenkins	

Ordered that M^r James Frisby and M^r Robert Smith carry p. 20
this Message to the house viz^t

By his Excellency the Governor & Councill
May the 13th 1701.

If you are come to any Resolutions in reference to the
Proposed Matter of the Conference this Board are desirous
to be acquainted therewith

Signed p Order W Bladen Cl Concil.

The Petition of the Vestrymen of St James' Parish in Ann
Arundel County read praying an Act of Assembly to Oblige
and Impower Thomas Tench Esq^r to lay out & Ascertaine
one hundred Acres of Land given the Church of that Parish
by M^{rs} Elizabeth Rigby & her Husband M^r James Rigby.

Ordered that the said Petition be recomended to the house
of Delegates for such Act to be prepared & Passed this Ses-
sions.

The Petition of M^r Peregrine Brown praying remittance of
26^{lb} the Duty of 26 Negros who died before Sale or any Ad-
vantage made of them is read & referred to the House of
Delegates.

The Petition of the Inhabitants of the upper End of King
& Queen Parish & the Inhabitants of William & Mary Parish
in Charles County being read is referred to the house for an
Act to be made for redress of their Complaint

The Widow Morton's Petition read & recomended to the
Charitable Consideration of the house. p. 21

The Petition of Jasper Yates of Pensylvania Merch^t Pray-
ing that M^r Nicholas Milburns Estate in this Province may be
sold for payment of his Just Debts.

Also the Petition of M^r Robert Grundy & M^r Nicholas Low
Ex^{rs} of the said Milburn praying the Same read & recom-
ended to the house for an Act to be prepared therefore w^{ch}
was sent to the house by M^r Smith and M^r Jenkins.

The Petition of Col William Whittington late Sheriffe of
Somerset County read praying remittance of a ffine of 1000^l
of Tobb^o for not returning his Writts in time upon good rea-
sons shewn viz^t

Original Journal. That the Sloop was Cast away by stress of Weather is remitted.

The Petition of the Inhabitants of West Elk and Bohemiah hundred read Complaining of the Neglect of their Minister Mr Sewell read & referred to James Frisby Esq^r and Col^o John Thompson to Inquire into & make their Reporte to his Excellency the Governo^r.

Came Major Dent with the following Message from the house viz^t

p. 22 By the house of Delegates May the 13th 1701

The house taking into Consideration what Part or Portion of the three pence per hh^d may be Sufficient for fixing & Cleansing Arms &c.

Cannot proceed to any Resolve till this house have some knowledge what Arms are in the Province, therefore humbly pray That your Excellency will please to Command the Clerk of the honble Councill to lay before this house an Accompt of what Publick Arms are in the Country and what number in each County are lodged.

Signed p order W: Taylard Cl House Del.

The which being read ordered that Mr Thomas Tench & Mr Thomas Brooke go to the house with the following Answer viz.

By his Excellency the Governo^r & Councill in Assembly
May the 13th 1701.

In answer to the Houses message by Maj^r Dent, It is desired That you will send three or four of your Members to Joine with two of his Ma^{tys} Councill to Conferr thereupon.

Signed p order W Bladen Cl Concil.

Came Col^o William Holland, Col^o James Smallwood & Col Thomas Ennalls from the house with the following Message viz^t

By the house of Delegates May the 13th 1701.

p. 23 Upon Reporte to this house of the Effect of the Conference upon that Subject mentioned of the 9th Instant by the Hon^{ble} Thomas Tench Esq^r &c.

Resolved that the said Laws remaine under the present Establishment till his Ma^{tys} Pleasure shall be known therein

Signed p order W. Taylard Cl house Del.

By the house of Delegates May 13th 1701

Original
Journal.

Upon considering the Message this day by the Honble Thomas Tench and Tho^s Brook Esq^r wherein a Conference is desired, It is resolved That some of the members of this house Joine in Conference and that Col^o William Holland Col James Smallwood, Col^o Edward Lloyd and Col^o Thomas Ennalls attend such of his Ma^{ty}s honble Councill when & where his Ex^{cy} shall please to Appoint.

Signed p Order W. Taylard Cl house Del.

Came Col^o Lloyd from the house with this Message viz.

By the house of Delegates May 13th 1701

May it please your Excellency

Having read a Report from the Gentⁿ of the Conference this Day had which is very Acceptable to this house therefore desire yo^r Excell^{cy}s Proposals relating thereto may be produced in writing and the same shall be sent from this house that it may remaine upon the Journalls.

Signed p Order W Taylard Cl House Del.

In answer whereto was sent by M^r James Frisby and M^r P. 24 Francis Jenkins viz.

By his Ex^{cy} the Governo^r & Councill in Assembly
May the 13th 1701.

Gentⁿ

Since you cannot make an Estimate of what the Charge will be in Cleaning and Mending the Arms out of Kelter in each County it is thought fitt that the Col^o of each County view and keep them in good repaire which are now Serviceable & gett all the rest Mended, and what the Charges amounts to in each County that the respective Colonels draw notes upon his Excellency the Governo^r who will pay the money and Since that Experience Shews us the great Spoile has been made in Sending the Arms abroad and it is believed that most of the Countys have already Arms for their present Defence and in Case any are not so Supplied upon application to the Governo^r they will be furnished, and for the better preserving of the Arms for the future in Case of a Christian Enemy it is adjudged necessary That a considerable Quantity of Arms be Lodged here and the Governo^r will take Care to provide a fitt person to Attend

Original the Arms here and keep them in Good Order at the Charge
Journal. as you have requested so that they will be readier to be
dispersed as necessity shall require

Signed p Order W Bladen Cl Concil.

p. 25 The following Message was sent to the House by Thomas
Tench and James Frisby Esq^r

By the Councill in Assembly May 13th 1701

Whereas the ffree School we now sitt in hath been built
in great Measure by the Subscriptions of Several Private
Persons well Affected to that good Designe who are desirous
to see the good Effects thereof, It is recomended to your
house to Consider how the best use may be made of the
said house it being now finished and also that you will take
p. 167 Care to provide some Convenient fitting Place for his Ma^{ty}s
Councill to sitt in Assembly times for the better dispatch of
Business and Likewise for an handsome place for the Arms to
be lodged where they may be hung up there being a Consid-
erable Quantity to be lodged here.

Signed p order W Bladen Cl Concil

The Board adjourned till 2 of the Clock in the afternoon

Post Meridiem

The Councill in Assembly Sate

The Rangers Account produced to the Board and referred
to the house of Delegates

Came Col S^t Leger Codd and 5 other members with the
following Answer to the last Message by M^r Frisby and M^r
Jenkins viz^t

By the house of Deleg^s May the 13th 1701

p. 26 May it Please your Excell^{cy}

The message by James Frisby and Francis Jenkins Esq^r
relating to the Cleanseing & mending the arms was here read
and this house intirely Concurred therewith and returne yo^r
Excell^{cy} their hearty thanks for your Excellencys Care therein

Signed p Order W Taylard Cl house Del

The Board Adjourned till tomorrow morning att 8 of the
Clock

Wednesday May the 14th 1701

The Councill Sate Present as Yesterday

The following Message was brought from the house viz

By the house of Delegates May the 14th 1701

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Journal.

May it Please Your Excellency

In Answer to the message of the 12th Instant by Col^o Hammond and Col^o Jenkins relating to the Militia this house did reffer it to a Comittee to Consider what Law might be made to render the Militia more usefull who have reported to this house that the Constitution of this Country will not Admitt of any better Law to be made to which this house Concurr

Signed p Order W Taylard Cl House Del

His Excellency Col^o Francis Nicholson his Matys Lieu^t & Governo^r Generall of the Colony & Dominion of Virginia was pleased by Letter to Communicate to his Excellency the Proceedings of himselfe and his Ma^{ty}s Councill of Virginia as p. 27 to the Embargoing of Ships now outward bound for England: viz:

Virginia ss^t

Att the Councill Chamber att his Matys Royal Colledge of William and Mary the 8th day of May 1701

Present His Excellency in Councill

Severall Letters from England and other Parts being read in Councill and giving great Cause to believe that there either now is or suddainly will be a Vigorous War on foot his Excellency and his Ma^{ty}s honble Councill do thereupon Conceive That it will be very dangerous for any Ship or Vessel to go to Sea unless in fleets or under Convoy and being desirous as much as in them lyes to provide for their Safety and Security

Ordered that the Collectors & Nav^l Officers of the Several Districts be and hereby are Injoynd and required that they Clear noe Ship nor Vessell after the 6th of June next and that what Ships nor Vessels they Clear they shall oblige them to Come into the Mouth of James River to the usuall Place of making up fleets and thereto remaine untill the 12th of June in order to Saile

And in Case any Ship or Vessel should not be ready to Saile by that time it is further Ordered that the Collectors & Nav^l Officers of the respective districts shall not Clear any Ship or Vessell after that time untill further Orders And that p. 28 they give Imediate Notice of this Order unto the Severall masters of Ships and Vessells within their Districts

Whereas for the better Safety and Security of the Merchants Ships and Vessels Sailing out of this Colony to the Several Ports whereunto they are bound

Orders are given to the Coll^{rs} and Navall officers in the severall Districts of this Colony not to Clear any Ship or Vessel

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within their Districts after the sixth day of June next without Obliging them to Come to the mouth of James' River to Join in a fleet or take Convoy and there to remaine till the 12th of June in Order to Saile and forasmuch as all Ships Trading to and from the Province of Maryland must of necessity pass between the Capes of Virginia and so may be protected or convoyed by the Ships of War attending this Colony

Therefore by his Excellency and the Councill of State it is thought Necessary for his Ma^{ty}s Service to Communicate the Same unto his Ex^{cy} Col^o Blakiston Governo^r of Maryland (so if he thinks fitt) he may give directions to the Merchants Ships and Vessels in Maryland to take the Oportunity of Joining in the same fleet or Convoy to defend them from Pyrates & Privateers and also to desire him for the better Guard and defence of the Coast he will please to give Orders unto Cap^t p. 29 Peter Cood Comāder of his Ma^{ty}s Advice Boat the Messenger that as Conveniency will permitt, the said Advice Boat may be down in the mouth of James River to pursue such Orders for his Ma^{ty}s Service as shall from time to time be unto him given

Dionisius Wright

As also a Letter from the Secretary of the Admiralty giving Advice of his Ma^{ty}s Ship the Shoram will shortly be relieved by the Southampton and sent for home about the 12th of June which is as followeth viz:—

Sr. Admiralty Office 24th Jan^{ry} 1700

I send this to acquaint you that I have rec^d Your Letter of the 11th of Aprill and that Your other Letter of the 10th of June following to my Lords of the Admiralty Came Safe to hand and together with the box of Papers relating to the Pyrates taken by the Shoram off the Capes of Virginia their L^{dps} are very sencible of the Service done therein and the Zeale you shewed to your Country in that particular, and I doubt not but before this Arrives you will have had an Acc^t that many of those Pyratie Villians have rec^d there just Punishments which I hope will in a great Measure deterr others for the future

Their Lordships are very Well satisfied with what you write in the behalfe of Cap^t Aldred and notwithstanding the Occa- p. 30 sion, you formerly had to represent him otherwise, than you do now, they are pleased in Consideracon of his good Service in taking the Pyrate Ship to Continue him in their favour

I have not yet heard from you relating to your receipt of the Passes Sent from hence for Securing the Ships of his

Ma^{ty}s Subjects from the Algerines Concerning which I take this Opportunity of acquainting you that besides what is Contained in the Instructions for disposal thereof his Ma^{ty} has by his late Order in Councill directed that they shall be delivered out without any other Charge whatever than the Duty for the Stamps, so that it will be necessary you give Strict Orders herein to the Person you Employ in this Affair. Original Journal.

What I have more to Add is, That the Southampton a Ship of the 4th Rate will Soon be ready to proceed on her Voyage to relieve the Shoram that attends on your Governm^t and therefor I am Comanded by my Lords to desire that the said Ship Shoram may not be out of the Way when the Southampton arrives but that she may be ready to Come for England so soon as her Comander receives Orders by the Southampton for doing thereof.

The Lincoln also a Ship of the fourth rate is fitting out and soon will proceed to Cruise on the Coast of America so that it is hoped you will be freed from the Pyrates that have infected you. p. 31

S^r

I am with true respect Your most
faithfull humble Serv^t

J: Burchett

His Excellency requires the Board to give their Advice whether the Ships now outward bound from the Province should be att present Imbargoed and obliged to Call upon the Shoram att the Mouth of James' River in Virginia and take her Convoy home, To which all the Board saving M^r Frisby & M^r Tench say that they do not think it Advisable for that we have rec^d no Certainty of a War declared.

But that the Several Collectors & Navall Officers give Notice to the Several Masters of Ships Clearing with them that they may if they think fitt for their better Security Call in Virginia and take the oportunity of the Shoram's Convoy of which his Ex^{cy} the Governo^r of Virginia has been so kind to give Notice to this Government.

Read some proceedings of his Ex^{cy} the Governo^r and Councill in Virginia relating to Cap^t Peter Cood and his Ma^{ty}s Advice Boat the Messenger under his Comand which was as follow viz^t

Virg^a ss^t

Att his Ma^{ty}s Royal Colledge of Will^m and Mary the 25th day of April 1701

Present his Excellency in Councill.

p. 32

His Excellency is pleased to lay before the Board a Letter from his Ex^{cy} the Governo^r of Maryl^d dated the 4th of April

Original Journal. 1701 wherein he Communicates to his Excellency that himselfe & Col^o Quarry had some Discourse & thought it very Necessary to Send Cap^t Cood to Cruise in Delaware Bay in the time of the worm, which they thought would do his Maty Signall Service in discovering and detecting illegal Traders, And to Prevent the Proceedings of Several who it is thought have now Embarqued in an illegall Trade and have allready laid their Designes for Carrying on the Same and desiring his Excellencys Advice thereupon.

His Excellency with the Advice of his Matys honble Councill of State do highly approve of the Same and Concurr in the same opinion

Dionisius Wright

His Excellency is pleased to request his Ex^{cy} the Governo^r of Virginia that in Case any Convoys Arrive to carry home the Ships now in the Country for England that his Said Excellency would be pleased Imediatly to dispatch an Express hither to give Notice thereof, the Charge whereof shall be thankfully Satisfied by this Province.

The Board Adjourned till 8 of the Clock to Morrow morning.

P. 33 Thursday May the 15th 1701

The Councill in Assembly Sate Present as Yesterday

Came from the house Major William Dent with 4 other Members and bring the following Messages Viz.

By the house of Delegates
May the 14th 1701.

May it please Your Excellency

The Consideration of the Petition of King and Queen Parish and William and Mary Parish for dividing the Parishes lye before this house and being read this house have referred the Dividing the Parishes till next Sessions of Assembly that this house may have more light therein and as to the other Part of the Petition this House humbly pray your Excellency to interpose your Authority and that M^r White Mentioned in the Petition may be paid the 40 lb of Tobbacco p pole or some Equivalent Satisfaction for the time of his Service in the Uper Part of King and Queen Parish in Charles County and that your Excellency would please to Compell the Vestry of that Parish to render an Account of the 40 lb of Tobbacco p poll to your Excell^{cy} or some Persons that your Excellency will Please to Substitute for that Purpose

Signed p Order W: Taylard Cl Dom Del.

By the house of Delegates May the 13th 1701

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Journal.
p. 34

May it please your Excellency.

This house having taken into Consideration the Message of the 13th Instant by Thomas Tench Esq Col^o Addison, Thomas Brook Esq^r and Col^o John Hammond relating to the free School as to that Part wherein it is recomended to this house to consider how the best use may be made of the School House and that Care may be taken of a Convenient Place for the Council to sitt in &c.

The house have resolved to refer the Same to the Consideration of the next Sessions of Assembly, And as to that part wherein it is desired That a handsome place may be provided to lodge the publick Arms in, This house Answers that they have purchased houses of Major Edward Dorsey for that Purpose and it was Ordered that a Comittee should be appointed to go and View the said houses and reporte what repairs it wants and the Estimate of such repaires, likewise agree with any Persons that are willing to undertake the repairing thereof and make the same fitt for such uses, which Comittee reported to the house what repaires are necessary for to make the houses Serviceable and that M^r Richard Beard Willingly will undertake the said work for twelve pounds Sterl to be finished by the last of August next if yo^r Ex^{cy} please to concur therewith.

Signed p order

W Taylard Cl house Del.

The said Major Dent also brings up three Bills from the p. 35 house of Delegates Viz.

A Bill investing a Tract of Land in Dorothy Stephens sold her by Symon Wilmer to her and her heirs forever which was read the first & second Times & will Pass.

A Bill for Investing a Tract of Land in the Vestry of S^t James's Parrish which was read the first & Second times and will Pass.

A Bill for Naturalization of Peter Scampor and others which was read twice and will Pass if they be not french Papists.

Which said Bills were sent Back to the house by Robert Smith and Francis Jenkins Esq^r

His Excellency Imparts to the Board That whereas he has rec^d Information That a Certein Indian belonging to the Emperor of Piscataway (some say his brother) has been to Apply him selfe to M^r Pen at Philadelphia who seemed to be inclinable to receive him into his Province wherefore in as much as it cannot att present be known what ill Consequences may happen to this Province from their removal thither, whether it

Original
Journal. be not adviseable to propose the same to the house of Delegates for their Advice to prevent their removall

To which it is the Opinion of the Board that there is no Occasion of any such Proposall to be made to the house in
p. 36 regard that if the Indians are disposed to go to the Province of Pensilvania we do not know how to prevent it, and further that this Board seem to be pretty well Assured that the said M^r Pen upon his Excellencys L^{re} to him will not give them any Encouragement harbour or Protection in his Province.

The Petition of Liev^t Col^o William Whittington together with John Hendry and Comp^a Merch^{ts} which is as followeth viz.

Maryland ss.

To his Ex^{cy} Nathaniel Blakiston Esq^r Governo^r in Chief.

William Whittington of Somersett County in the Province afs^d in the behalfe of himselfe together with John Hendry & Comp^a of the said County most humbly representeth.

That the last year past I the said Whittington did Ship on Board the good Ship Barbados Merch^t William Fletcher Com^{and}^r twelve hh^{ds} of Tobb^o which said Ship did Load in Chickonessex Creek in the County of Accomack in Virginia and the said John Hendry on the account of himselfe & Partners (whereof M^r Ja^s Round was one Concerned) did in the same year Ship on Board the Good Ship Experiment of Liverpool then riding in Pingotoge in Accomack County Cavalier Christian Comander and belonging to Leaverpool seveanty four hh^{ds} of Tob^o which together with the said twelve hh^{ds} were
p. 37 Certificates for the same were produced and sent down with the Sloops which Transported the said Tobbacco by the respective Com^{and}^{ers} as af^d att their Clearing of Said Ships yet the Navall Officer appointed for Accomack District, then being the s^d Certificates did not Allow of, so that the Impost of 2^s p hh^d we were Constrained to pay as Virginia Duty before the said Ships Could be Cleared, and Since his Ex^{cy} Francis Nicholson Esq^r his Maty's Governo^r of Virginia is att present here

It is humbly represented to your Excellency That such Measures may be taken as to Yo^r Ex^{cy}s Wisdom may be thought Expedient,

And as in Duty bound shall ever pray &c.

May 15th 1701

Being read it is recomended to the Governo^r of Virginia to be laid before the Councill there for Reddress and withall

that in Case the Pet^s be not redressed by his Excell^{cy} & Council in Virginia That Orders be given to Major William Dent and M^r Bozmane Nav^l Officers of Potowmock & Pocomoke to require the Maryland Dutys on Virg^a Tob^o Exported in Ships Cleared in Maryland

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Major Barbons two Petitions about a Runaway Servant Boy and an Indian Committed to his Custody as Sherriffe of Prince George's County being thought reasonable are recommended to the house of Delegates' Consideration. These three following Messages were sent to the house by M^r Thomas Tench & Col^o John Addison viz^t p. 38

By his Ex^{cy} the Governo^r and Council in Assembly
May the 15th 1701.

Since by a Paragraph of the Lre from their L^{dps} the Com^r of Trade and Plantations of the 3^d of December last laid before you, you Cannot but observe their friendly Advice to us that we should Appoint some well qualified Person to be our Agent in England there to Solicite what publick Business we desire to be Successfully dispatched we are desirous to know what resolutions your house have taken thereupon
Signed p Order W Bladen Cl Concil.

By his Ex^{cy} the Governo^r & Council
May the 15th 1701

It being Experienced that the fund raised by the present Act of Assembly now on Foot for Imposts are very inconsiderable towards the Defraying the Necessary Charges of the Province, It is recommended to your house that a further Impost of three pence p hogshed be laid on Tobb^o Exported as being the least burthensome to the Poor and Necessitous People of the Province and Scarcely perceptible to those that are Capable of Shipping Tobbacco whereby the Publick Charge of the Province will be the Easier Defrayed
Signed p Order W Bladen Cl Concil.

By his Excellency the Governo^r & Council in Assembly p. 39
May the 15th 1701.

Forasmuch as the Affair of the Piscattaway and Accocick Indians do not yet seem to have the wish^t for Conclusion that is of either being Come in and Quietly settled among us, it is the Opinion of this Board That the Rangers on the Frontiers of Potowmock should be still kept out for the

Original Journal. better Assurance & Security of the Inhabitants there who we have Occasion to believe upon their being drawn off will be so far discouraged Even to quitt Some of the Externest Settlements to our Dishono^r and Encouragem^t of our ill Neighbours the Indians who will rejoyce thereat therefore we desire you will Consideratly Concert this matter viz. Whether they shall be further Continued or Totally disbanded and give us your Opinion and reasons for the one or for the other. We further recomend to you by some Act this Sessions to Continue the Comittee for Consulting what Measures are to be taken for the Safety and Defence of the Province against the Invasions and Incursions of Indians as formerly.

Signed p order W Bladen Cl Concil.

The Board adjourned till 8 of the Clock to morrow morning

Friday May the 16th 1701

p. 40 The Councill in Assembly Sate Present as Yesterday

Read the Petition of M^r Thomas Reynolds Sherriffe of Ann Arundell County setting forth That for the Executions of three late Malefactors he had not been satisfied therefore which being represented to the Board to have allways been allowed to former Sherriffs It is recommended to the house that he be allowed what has been usuall.

Then read the following Petition on hehalfe of John Bracher viz^t

Maryland ss.

To his Excellency Nathaniel Blakiston Esq^r Governo^r in Chief in and over the Province of Maryland & Territorys thereunto belonging.

The most humble Petition of us the Subscribers under written in all humble Manner submissively Sheweth

That we your most humble Supplicants as well Considering the great age, as also the Grossness of the Crime laid to the Charge of John Pracher of Charles County of which said Crime the Law hath Justly found him guilty, Notwithstanding we your Excellencys Petition^{rs} not being unsensible of your great Clemency and Mercy Imboldens us to Prostrate these att your Excellency's Feet in hopes that we may receive in behalfe of the forementioned Prisoner your Ex^{cys} Gracious favour & mercy that you will be pleased to grant unto him a reprieve for his life for what time yo^r Ex^{cys} shall think Convenient and not Suffer his grey

hairs to come to so untimely an End we being in hopes of your Ex^{cys} favour being so graciously Extended unto him for Some time it may be a means that he may make true repentance for all his former Crimes Comitted and become a new man in the Eys of Almighty God for which singular favour we as in Duty Bound shall ever pray for your Ex^{cys}

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Thomas Beale	Thom ^s Greenfield	Thomas Ennalls
Henry Love	John Taylor	John Slye
W ^m Watts	James Smallwood	Sam ^l Worthington
Archibald Betty	Benj ^a Hall	John Bozmane
Rich ^d Clouds	John Wight	John Franklyn
W ^m White	John Lookerman	William Dent
Philip Lynes	John LeCount	Francis Jenkins
Thomas Collins	Hugh Eccleston	Sam ^l Sicklmore
James Bigger	Thomas Ennalls	

Whereupon his Excellency is pleased to require the Advice of the Board thereupon who advise his Excellency to Grant him a Reprieve till his Matys pleasure be known in hopes of his Sincere Repentance and that the Province may not be burthened with his Imprisonment fees Advised that Security be taken for his Appearance when required

Came Col Edward Lloyd and 7 other members from the house who bring up the following Bills viz p. 42

An Act for to Encourage the Importing Coin into this Province which being read the following remarks were thereupon made and sent to the house by M^r Tench, M^r Frisby, M^r Addison and M^r Hammond viz

By his Excellency the Governo^r & Councill in Assembly
May 16th 1701

The Bill Proposed to Encourage Importing Coine into this Province having been read att this Board it is remarked thereupon that att present as the Law for Religion viz^t the 40 p poll stands, this Law seems to reencounter therewith will be in great Measure infringed if not Occasioned to be wholly Abrogated thereby

It is further remarked the Justices of the Countys thereby having such power given them to declare and Ascertain att what rate money shall pay Tobbacco it will Occasion great Confusion and Clamour in that it is Impossible all the Justices of the County Courts should Agree in Opinion as to the Just Value of Tobbacco or that the Tobbacco in every County should be of like Esteem

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p. 43 It is Thought that there Cannot be any Effectual Encouragement given to introduce Coine Among us unless by raising the Same Equall with our Neighbouring Provinces, w^{ch} Cannot otherwise be done than by Addressing his Maty for his leave so to do, and att this Juncture his Excellency Seems to have a Caution given him against the passing this Act as by a Paragraph in their L^{dps} the R^t Honble the Lords Commiss^{rs} of Trade and Plantations herewith sent you viz. December 3^d 1700 We observe what you write about the Proposals made by the Assembly for paying the publick Leavys in money We forbear returning any Answer att Present so materiall a Change requiring Consideration

A Bill for more Speedy Obteining Executions against Persons flying out of the County where Judgment is recovered ag^t them, read twice and will Pass

Also an Ordinance of the house for laying the Choptank Indians Land read and Assented to.

The foregoing Bills Ordinance Message & the Sherriffe of Ann Arundel Countys Petitions Sent to the house by M^r Tench, Col^o Addison M^r Frisby and Col^o Hammond

Came M^r Bradley and M^r Tho^s Hamond and bring the following Message

By the house of Delegates May the 16th 1701

This house having taken into Consideration the 3 messages yesterday by Thomas Tench & John Addison Esq^r one relating to an Agent to be Appointed in England &c which was in the house read & Debated

p. 44 It is resolved That the further Consideration thereof be referred 'till the next Sessions of Assembly

2^{dly} Wherein his Excellency desires this house will Considerately concert whether the Rangers should be Continued or disbanded which was likewise read and Debated

It was put to the Question whether the Rangers should be continued or disbanded

And thereupon carried by the Majority of Voices that the Rangers be utterly disbanded & resolved by the house that there be no more Committee in the Vacancy of Assemblys

As to the other Message of the Same day relating to the Additional Duty of 3^d p hogshed to be raised &c

It is resolved that a Bill be prepared for Advancement of an Additional Duty of threepence per hogshed toward the Payment of the publick Charge of this Province

Signed p order W Taylard Cl house Del

The Treaty made with the Susquehannah, Delaware and Shavonole Indians by James Frisby Esq^r Col John Thompson and Cap^t Edward Blay, Ordered to be laid before the house which was sent by M^r James Frisby and Col^o Francis Jenkins
Came Major William Dent and M^r Philemon Lloyd who bring three ingrossed Bills viz

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A Bill Investing a Tract of Land in Dorothy Stephens sold her by Simon Wilmer

A Bill for settling one hundred Acres of Land in the Vestry of S^t James's Parish in Ann Arundel County given by M^r James Rigby & Elizab: his Wife

p. 45

A Bill for the Naturalization of Peter Scamper and others which were again read and Assented to by this Board and sent to the house by Col^o John Hamond and Col^o Francis Jenkins

The Board adjourned till 8 of the Clock tomorrow morning

Saturday May 17th 1701

The Councill Sate present as Yesterday

The Petition of Edward Laddamore of Cecill County Praying that an Act might be passed for the divorcement of him the said Edward Laddamore & Elizabeth his Wife and declaring the Children of her the said Elizabeth Begotten during her Elopement to be illegitimate was here read and sent to the house with a proposed Bill upon that Subject

Came M^r Samuel Young and 5 other Members & bring up the Ingrossed Bill for the more Speedy obteneing Executions ag^t Persons flying out of the Countys where Judgm^{ts} are recovered against them, which was read and assented to

A Bill for laying an Impost of 3^d p hhd on Tobbacco for defraying the Publick Charge of the Province read and will pass with these Amendments Viz.

That the Duty to be raised and paid be to his Maty and be appropriated to the defraying the Publick Charge of the Province.

p. 46

Also a proposed Ordinance for an house to be built for the Powder 15 foot long and ten foot wide which this Board think will not be large Enough, so that there will not be Room to turne the Powder therefore recomended the said house be 20 foot long & 15 foot Wide.

Which Said Ordinance and Bills with the remarks &^c were sent to the house by James Frisby Esq^r and Col^o Francis Jenkins

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Journal.

Came Major William Dent & Liev^t Col^o Jacob Lookerman and again bring up the Bill for the Impost of 3^d p^h and Say that as to the first Part of the remark that the Money be raised & Paid to the King it was amended as proposed, but as to the altering the words publick Leavy for publick Charge the house are desirous the Bill pass in the former

But this Board conceiving the words publick Charge to be the terms under which the Act for former Imposts have pass^t the first is rejected as Novel and the other insisted on as most Proper.

Which was Endorsed on the Bill M^r Rob^t Smith & Col Francis Jenkins were sent down to the house therewith.

Ordered and Desired by the honble Concill that his Excellency the Governo^r will pay M^r Richard Beard Twenty pounds Sterl p^h annum for Cleansing fixing and keeping in Repair the Arms now lodged in Town and that when more Arrive his Excellency Will be pleased to agree with him and Pay him for them Likewise out of the Duty of three pence p^h given by his most Sacred Ma^{ty} for the Supply of the Country with Arms and Amunition

Came Major William Dent and Col^o Thomas Ennalls and bring up the Bill for the Impost of three pence p^h with the Alteration Proposed which was read and sent to the house by Thomas Brooke Esq^r Col^o John Hammond.

Came M^r Rich^d Tilghman and Major Edward Dorsey who bring the Ingrossed Bill for the Impost of three pence p^h towards the publick Charge read and Assented to, and sent to the house by M^r James Frisby and M^r Robert Smith they also bring the following Message Viz^t

By the House of Delegates
May the 17th 1701

The Petition of Edward Laddermore recommended from his Excellency and Council to this house with a Bill therewith sent was here read & Considered and forasmuch as the Prayer of the Petitioner is of so high a nature that the house do not think fitt to pass the Bill sent with the Petition.

p. 48 Therefore Resolved That if the Petitioner will Appear the next Sessions of Assembly and bring with him such Wittnesses or other Evidences Sufficient to Prove the Elopement, then the house will take it into further Consideration, And it is Ordered the Petitioner give notice to Elizabeth the Wife in the Petition Mentioned that She Likewise appear at the next Sessions of Assembly to make her defence if to her it shall seem Meet

Signed p Order W Taylard Cl House Del

Came Liev^t Col^o Thomas Smith and Col^o John Thompson with the Journal of the Comittee of Accounts which was Assented to and Sent to the house by the Clk of this Board they also bring up the Bill for paying the Publick Leavy w^{ch} was Read and Assented to and Sent to the house by Thomas Tench Esq^r Original Journal.

Came Major William Dent and Says the house request his Excellency That he will be pleased to draw Orders on the Treasurer of the Shoar to pay what is Ordered the Rangers

Came Col^o John Thompson from the house & brought up an Ordinance ab^t the building of a Prison in the Town of Annapolis which was Approved of and Assented to by the Board & sent back to the house by Robert Smith Esq^r

The house being Acquainted That his Excell^{cy} Stayed for them Came M^r Speaker and the Members of the house and were Admitted. p. 49

After which These following Bills were produced and laid before the Board—Viz^t

An Act for more Speedy obtaining Execution against Per- sons flying out of the County where Judgment is recovered against them. p. 187

An Act for laying an Imposition of three pence per hogshed on Tobbacco for defraying the Publick Charge of this Province.

An Act Impowering a Comittee to lay; Assess, and Appor- tion the Publick Leavy for this present Year 1701.

An Act Investing in the Vestry of S^t James's Parish in Ann Arundell County Certein Lands given to the Said Parish Church by M^r James Rigby and Elizabeth his Wife both deceased.

An Act Investing a Tract of Land in Dorothy Stephens sold her by Symon Willmer to her & her heirs for ever.

An Act for Naturalization of Peter Scamper of Prince Georges County, John Debruler of Baltimore County, and John Debruler & William Debruler his Sons together with the other Sons & Daughters of the said John Debruler the father borne within this Province.

Which said Acts were Assented to by his Ex^{cy} the Governo^r on behalfe of his most Sacred Ma^{ty} as Laws and Sealed with the Great Seal of the Province

The Assembly Prorogued to the 9th July
W Bladen Cl^k Concil

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND.

At a Session held at Annapolis, May 8 to May 17, 1701.

CHARLES CALVERT, LORD BALTIMORE,

Proprietary.

NATHANIEL BLAKISTON,

Governor.

THE LOWER HOUSE OF ASSEMBLY.

A Journall of the house of Delegates Begun the Eighth Day of May in the 13th year of the Reigne of our Sovereigne Lord King William the third &^c by the Grace of God of England, Scotland France and Ireland King Defender of the faith &c. Anno Dom. 1701. Original
Journal.

Maryland ss:

The house of Assembly called by virtue of his Maj^{ty}s writt of Election Issued out of the high Court of Chancery beareing date the day of in the year of our Lord 1700: and Directed to the Citty of S^t Mary's and the Severall and Respective Counties of this province Comanding them to make choice of two Sufficent able men to Serve for the said Citty and fower for each respective County to serve as Deputys and Dellegates for the s^d Citty and Countys afs^d to be and p^rsonally appeare at the Town of Annapolis upon the said Eighth day of May aforesaid where being mett at the Stat house in Annapolis his Ex^{cy} Nathan^l Blakiston Esq^r Gov^r of this Province by M^r W^m Bladen Commanded their attendance upon his Ex^{cy} and Councill at the Councill Chamb^r in the schoole house in the Towne afs^d where the severall Deputyes and Dellegates of the said Citty and Countys there appeared tooke the Severall Oaths appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy and likewise the test and association were subscribed by the said Severall and respective Dellegates only M^r Iames Round Deceased and M^r Tho^s Ennalls not yett appeared.

Thereupon his Ex^{cy} willed them to repaire to their house againe and choose their Speaker.

The house returnes to the Stadt house againe.

Whereupon the Dellegates of the house proceeded to make choice of their Speaker, and by Majority of voices the house made choice of Leiu^t Coll^o Tho^s Smithson for their Speaker and placed him in the Chaire accordingly.

The Speaker with the rest of the members of the house went up to the Councill Chamber where they p^rsented their Speaker to his Ex^{cy} the Governor who approved of the choice for which the members of this house returned his Ex^{cy} humble thanks.

Then M^r Speaker on behalfe of the house desired his Ex^{cy} that the Libertys and priviledges of the house might be ratti-fied and Allowed by his Ex^{cy} and that he might have free

Original Journal. access to his Ex^{cy} upon all occasions requiring the same which his Ex^{cy} was pleased to Grant them for which M^r Speaker in the name of them all gave his Ex^{cy} the hearty thanks of this house.

Then his Ex^{cy} was pleased to signify to the house the reason of their being now called together by speaking to them as followeth.

Gent.

The last Assembly haveing continued some years I was advised by his Maty^s Councill here that notwithstanding all things had been happily Enacted and concerted by them for the advantage of the province yett it would be to the generall Satisfaction of the Inhabitants to have a new Election wherein I am glad to finde soe good a Judgm^t of the people in sending soe many of you whose services in the former Sessions have soe well deserved from them as alsoe the other Gent: that appeare with you whose carracters appeare very faire with me.

I must confess I am much in the Darke as to the State of our Laws w^{ch} are of the Greatest moment to us and were sent home the Last Assembly, and was not without hopes that long ere this I should have rec^d some instructions Concerning them that if there had been any irregularity or false steps therein to have had it corrected this Sessions, but some unexpected accidents as we are informed have allarmed Europe and noe shippes arriving from thence in some time we may Justly Conjecture has been the reall impediments but we are Crowned with that blessing in haveing a Prince and patron that will assert both our Liberty's and propertys with all that vigour Currage and Conduct that our Selves can hope or wish for.

Gent: I have now been some yeares amongst you w^{ch} has given me the opportunity to pass my scene of probation with you and I will venture upon all the Severity that reflection can produce If I have not been strictly just to what I first promised at my comeing into the Government in making you easy both in yo^r persons and purses and hope to rivite and cement that freindshipp which was then created and I shall allways hold a Sincere and open way of Dealing the most effectuall meanes to continue a good Correspondency w^{ch} will Equally conduce to yo^r Satisfactions as well as my owne.

Whatt we are now mett to consult shalbe proposed and comunicated to you in the usuall method of Message and conference and I am morrally assured you will never faile me in those good Expectations I have from you for his Maty^s Ser-

vice and the good of the province. After which M^r Speaker and the rest of the house tooke their leaves of his Ex^{cy} M^r Speaker and the rest of the members repaired to the house and M^r Speaker tooke the Chaire. Original
Journal.

And Resolved that the house meet againe at Seaven a clock in the morning and sitt till Eleaven and from two in the afternoone till six and at seaven in the morning and six in the Afternoone. M^r Topp is desired to attend for prayers.

The Severall members of this house being called appeared. The honble Thomas Smithson Esq^r Speaker.

St. Mary's Citty		St. Mary's County	
George Muschamp Esq ^r	}	Ken ^{ll} Cheseldyne Esq ^r	}
Lieut. Coll ^o Henry Lowe		Maj ^r John Lowe	
		M ^r Thomas Beale	
		M ^r William Watts	
Kent County		Ann Arundell County	
Maj ^r Tho ^s Smith	}	Coll ^o William Holland	}
Coll ^o Jn ^o Hinson		James Saunders Esq ^r	
M ^r Jn ^o Salter		M ^r Sam ^{ll} Younge	
M ^r Jn ^o Whittington		M ^r John Dorsey	
Calvert County		Charles County	
Maj ^r Walter Smith	}	Maj ^r W ^m Dent	}
M ^r Elisha Hall		Maj ^r Ja ^s Smallwood	
M ^r W ^m Parker		M ^r Philip Lynes	
M ^r Jn ^o Smith		M ^r Benj ⁿ Hall	
Balto County		Talbott County	
M ^r Jn ^o Hall	}	Coll ^o Edward Loyd	}
M ^r Edw ^d Dorsey		M ^r Phil ^o Loyd	
M ^r Sam ^l Sicklemore		M ^r Richard Tilghman	
M ^r Tho ^s Hamond abs ^t			
Somerset County		Dorchester County	
Lieu ^t Coll ^o W ^m Whittington	}	Maj. Tho ^s Ennalls	}
Maj ^r James Round Dec ^d		M ^r Jacob Lockerman	
M ^r Jn ^o Bosman		M ^r Hugh Eccleston	
Capt. John Francklin		M ^r Jn ^o Lecompt	
Cecill County		Prince Georges County	
M ^r W ^m Harris	}	M ^r Tho ^s Greenfield	}
Coll ^o S ^t Leidger Code		M ^r W ^m Hutchinson	
Coll ^o Jn ^o Thompson		M ^r Jn ^o Wight	
M ^r Math. Vanderhayden		M ^r Robert Bradley	

W^m Taylard being elected and chosen Clarke of this house. It is ordered that M^r Sam^{ll} Young and George Muschamp

Original Journal. Esq goe to his Excellency the Govern^r and signify their choice of their Clarke and humbly desire he may be sworne and quallified. They returne and say they saw him sworne.

Upon Calling over this house they finde that M^r James Round a member of this house for Somersett County is lately dec'd.

Therefore orderd that warrant be prepared to the honble Secretary to make out a writt for Election of a Member to serve in his place and stead.

M^r Speaker is desired by this house to prepare answer to his Ex^{cys} Speech to be ready here to morrow morning.

Of the Comittee of Elections and Privileges are appointed M^r Thomas Greenfield, M^r Elisha Hall, M^r Phillēmon Loyd M^r Sam^l Sicklemore M^r Hugh Ecclestone.

The house adjournes till tomorrow morning 7 a clock

Fryday 9th May 1701

The house were called over and p^rsent as yesterday only M^r Jacob Loockerman Sick

The answer to his Ex^{cys} Speech by the Honble Speaker prepared and brought into the house and the same being read and approved of was ordered to be drawne over faire w^{ch} follows viz^t

May it please yo^r Ex^{c^y}

The Easiness which his Maty^s Subjects in this province were imediately sencible of at the first comencing of yo^r Governm^t and the exact constancy of it in its progress assures us that it is the innate and Genuine Disposition of yo^r Ex^{c^y} to felicitate the people under your Conduct and as we have found your Ex^{c^y} allways and at all times Iust and prudent in publick affaires and sincere and candid in personall soe shall you find a cheerfull obedience and Ingenuous dealing from us and a perfect desire to avoid the least flaw of Contention and inviolably to maintaine that p^rfect harmony and Correspondence which hithertoo we have kept and had the same thought with yo^r Ex^{c^y} and Councill that the usuall method of Messuage and Conference Conduces much thereto

Neither the disolucon of the last Assemby nor any Act of your Ex^{c^y} hath been Displeasing to us and alltho' at this present meeting you may see some new faces yett you shall finde in the whole the old disposicon to his Maty^s Service and the good of this province w^{ch} we hope will never look differing ways

What of late may have p^rvented Shipps and consequently kept us in the Darke as to the State of our Laws we know not, but since wee enjoy the p^rsent comfort of them and are assured they are in the hands of soe Good a prince and patron we will sitt downe in hopes of an Answer to our Satisfaction being now ready to receive what proposall shalbe sent to us from your Ex^{cy} and his Maj^{ty} Hon^{ble} Councill

Original
Journal.

The Comittee of Elections are sent out.

The answer being so prepared was brought into the house and Ordered by M^r Speaker that Coll^o Edward Loyd M^r John Salter Coll^o Jn^o Thompson Maj. Edward Dorsey M^r Sam^{ll} Young, M^r Jn^o Smith, M^r Jn^o Lowe M^r Phillip Lynes M^r Robert Bradley George Muschamp Esq^r John Ffranclyn and M^r Jn^o Lecompt carry the same to his Ex^{cy} in Councill.

Who Returne and say they have delivered their Messuage.

By the house of Delegates May the 9th 1701

Whereas M^r James Round a member elected to serve in this house for Somerset County is lately deceased these are therefore to require you to Issue out a new writt for Election to the Sheriff of the said County to Elect and choose one good and lawfull man to serve in his place this present Assembly and this shalbe yo^r Warr^t

To the Honble W Bladen Tho. Smithson Speaker
his Maty^s Secretary of Maryl^d

Ordered that the same be delivered to the Honble Sec^{ry}

The honble Thomas Tench Esq^r Tho: Brooke Esq^r James ffrisby Esq^r and Coll^o John Hammond Enters the house and delivers the following Message to M^r Speaker viz^t

By the Councill in Assembly May 9th 1701

Gent.

It seems to us the most important Service this sessions will be capable of is the Due consideration and serious reflection we ought to make of the p^rsent State and condicon of our Laws sent home for England the last Assembly and now as we are informed by the R^t Honble L^{ds} Com^{rs} of trade and forreigne plantacōns Lyeing before his Maty^s Attorney and Sollicitor Gen^{ll} not as yett certaine w^t Determinacōn they may fall under from his most Sacred Mat^y in Reguard of some apparent inconveniencies especially in the Law Entitled an Act for repealeing certaine Laws in this province and confirmeing others wherein we are doubtfull to have made the same un-

Original Journal. happy mistake as in the yeare 1699 by Joyning of them all together soe that it hath been offered that his Maty. cannot give his consent to any laws unless to all and in like manner disallow of any single Act unless the whole be involved in the same determinacon upon this important occasion we are very Desireous to have a Conference with M^r Speaker and some competent memb^r of yo^r house that if possible wee may timely obviate any prejudice or detryment arising therefrom in which we shall heartily Joyne with you.

Signed p order
W Bladen Clk: Councill

Which being read it is resolved that a Committee be sent forth to consider thereof and M^r Kenelm Cheseldyne Coll^o S^t Leidger Cood, M^r W^m Dent Coll W^m Holland Coll^l Edw^d Loyd M^r Richard Tilghman Coll^o Jn^o Thompson and M^r W^m Hutchinson are by the house appointed to Consider and State the Case of the Laws in Maryland included in the ascertaining and repealing Law.

They are sent forth to consider.

The house adjournes till 2 a Clock in the Afternoone.

2 a Clock post meridiem House called over Present as in the morning.

The Committee for Inspecting and Considering by M^r Tench and others of the honble Councill Enter the house and make Report as follows

Att a Committee of the house of Burgesses appointed to reporte and State the Case of the Laws of Maryl^d included in the law ascertaining &c: and the Law repealing and Confirmeing the s^d Committee Consisting of—

Kenelm Cheseldyn Esq.	Coll ^o Edw ^d Loyd
Coll ^o S ^t Leidger Cood	Coll ^o W ^m Holland
M ^r Rich ^d Tilghman	M ^r John Thompson
M ^r W ^m Hutchynson	M ^r W ^m Dent.

The Committee having p^rused and Considerd of the Laws afs^d find that in June and July 1699 the Assembly findeing severall good Laws and usefull for the province perticularly an Act for Establishm^t of Religion with divers other Ennumerated were in and by one Law then passd and Confirmd to stand in force and because they were desirous to reduce the Laws of Maryland to a certainty did thereby declare and Enact that these Laws together with such acts as were made that assembly should be the Laws of Maryland and none others.

That afterwards to witt the 30th of Novem^r 1699 his Maty^s was pleased to repeale the Act for Establishm^t of Religion and because that Law could not be absolutely repealed without repealing the ascertaining Law which was repealed alsoe whereby these two laws were repealed. Original Journal.

That after that viz: att an Assembly held in Aprill and May 1700 the Assembly haveing notice of that his Mat^{ys} repeale made a new Law for Establishing religion and an other law repealing all Laws made before the Assembly in June and July 1699 Except sev^{ll} Laws in that act Expresst and enumerated Confirmed to Stand in force as Laws.

By the message this day rec^d from the hon^{ble} his Mat^{ys} Councill they seem in doubt whether this last law repealing and Confirmeing is not in the same nature as to the Confirming parte with the other acertaining Law because if it should be his Mat^{ys} pleasure to repeale any one of the laws thereby Confirmed he will not be constrained on the former reason to repeale this Last repealing and Confirming Law whereby the province will loose the benefitt of all the other laws p^ticularly sett downe in the last Law.

This being the Difficulty is must propound this question to the house, Whether it is most adviseable at this Juncture to repeale this last Law Confirming and repealing &c: and Transcribeing all the laws menconed therein or letting them rest on the present Establishm^t till his Maj^{ts} pleasure shalbe knowne

With Submission to the wisdom of the house wee are of opinion that there is no necessity at this Juncture to transcribe all those Laws Confirmed in this last Act since his Mat^y has not as yett signified any dislike of any of the said laws nor can wee p^{ce}ive any p^judice that can be taken ag^t any of them since they tend to the Equall good of all persons without distinction of sect, oppinion or profession.

Therefore we believe it wilbe soone enough to alter the p^rsent Estabm^t when his Mat^{ys} dislike is knowne and not before.

Which being read in a full house, this house concurs with the reporte of the Comittee, and

Ordered the following message be sent to his Ex^{cy}

By the house of Delegates May the 9th 1701

In answer to the message this morning by Tho^s Tench Esq Thomas Brooke, James ffrisby and John Hamond Esq^r wherein his Ex^{cy} is desireous of Conference with the Speaker and some competent member of this house.

Original
Journal.

It is Resolved that the Speaker and whole house attend his Ex^{cy} and Councill on the Conference when and where his Ex^{cy} shall please to direct and appointe.

Signed p order
W Taylard clk: house Dell.

Which message was sent up to the Councill Chamber by Mr Hutchinson and Mr. Robert Bradley, who returned and say they have delivered their message.

James Frisby and Rob^t Smith Esq^r Enters the house and Deliver M^r Speaker the following message.

By the Councill in Assembly May 9th 1701.

His Ex^{cy} the Gov^r and this Board will be ready to receive the house upon the Conference proposed by Eight of the Clock to morrow morning.

Signed p order. W. Bladen clk: Councill.

It is Resolved by the house that M^r Speaker and the Gent. that were on the Comittee Speake to the Conference appointed.

The house adjournes till to morrow morning 7 a clock.

Saturday May 10th 1701.

The house mett againe, and were p^rsent as yesterday.

Then was read over what was done yesterday. Maj Tho: Hamond appeared and ord^d by M^r Speaker that Maj^r Dorsey and M^r W^m Parker attend M^r Hamond to see him sworne before his Ex^{cy}.

They ret. and say they saw him sworne.

Doct^r Iacob Loockerman made his appearance in the house.

The house attended his Ex^{cy} and Councill upon the Conference where having some debate they againe returned.

Putt to the Question and Gen^{ly} resolved by the house that they concurr with the reporte of the Comittee for Stateing the Case of the Laws of Maryland.

Resolved that twenty one members with the Speaker make the house.

Comittee for Examining and Stateing the public Accounts are

M ^r Thomas Smith	Coll ^o Jn ^o Thompson	M ^r Jn ^o Hall
M ^r Jno Smith	M ^r Rob ^t Bradley	

The petioⁿ of Dorothy Stevens relict of Jno Stevens Dec^d being here read as fol.

May 8th 1701

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Journal.

To the Honble the house of Dellegates

The humble petⁿ of Dorothy Stevens relict of John Stevens late of Dorchester County Dec^d

Sheweth That your pet^r in the yeare 1695 p^rchased from Simon Willmore of Kent County Gent. to her her heires and assignes for ever a certaine tract of land called Willmores Range Lyeing in Talbott County on the South side of Chester River and upon a branch called Vnicorne branch q^{ty} 1000 acres more or less as p^r his Lordp^s Grant thereof may appeare and did make paym^t of the purchase money and the said Simon Willmore and his Wife Rebecca by Jn^o Valliant her atto^{ry} came into Talbott County Court and did there give their consents that the Deed of feoffment should be then Enrolled on the Records of Talbott County Court. But it hapened that by the negligence of the clarke or otherwise the s^d deed is not recorded nor the deed it selfe to be found and the s^d Symon Willmore being dead and his heir within age yo^r pet^r is deprived of comon remedy Except she be aided by an Act of Assembly firmly to invest the s^d Land in your pet^r her heirs and assignes upon reasonable prooffe of her allegacon which She hopes the honble house will Grant Especially seeing the relict of the said Willmore and all persons Interested or concerned desire the Same and yo^r pete^r as in duty bound shall Humbly pray &c:

Which being read and understood Ord^d that the pet^r have her remedy by passing of it into a Law Confirmeing the title to the said Land in the pet^o menconed.

Proposed by a member of this house whether it be not reasonable a Law be made that a transcript of a Judg^t of any Co^{ty} Court transmitted to another County under the Seale may be Sufficient to Grant Execution ag^t p^{sons} remooved ag^t whom such originall Iudgm^t is obtained. And whether it be not necessary that a Law be made for paym^t of rents for Orphans Lands in their minority by the persons in whose hands the Same is.

And proposed that forasmuch as this province at this time have good Supply of Armes that a Law be made for cleansing preserving and keeping them in good repaire

2^{ly} That a Law be made for Itinerant Iudges within this province &c:

3^{ly} And for advance^t of money for paym^t of Leavys heretofore in the house of Dellegates mooved.

All which said proposalls are referred to further consideration till Monday morning.

The peti^{con} of Peter Scamper of Prince Georges Co^{ty} fforeigner and Iohn Debenter of Balt County fforeigner for Nat-

Original Journal. uralizacon was here granted and is referred to the Committee of Laws to prepare a bill for that purpose.

Ordered that M^r John Lecompt withdraw the house whilst the report of the Committee of Elections and priviledges is Debateing.

The Comittee thereupon Enters the house and make their reporte as follows

May it please Your Ex^{cy}

We whose names are under written of the Comittee appointed for Enquireing into Elections and priviledges In obedience to an order of this honble house have examined the peticonary Complaint of the Inhabitants and freeholders of Dorchester County referred to us by this honble house Complaining of an undue ret. made of Jn^o Lecompt to serve as a Dellegates for that County in this present Gen^l Assembly

It appeares to us upon the return made by Jacob Loocker-man the Sherrif: of the said County that Jn^o Lecompt had the Surplus of two votes but upon the examination of the poll in presence of the Sherrif: and Jn^o Taylor compl^t in behalfe of the said County it doth appeare to us that fower p^{rs}ons ought to be struck of the pole list which was taken in favour of Jn^o Lecompt and it allsoe appeares to us by the evidence of the said Sherriff: that two persons ought to be struck of the poll list taken in favour of Jn^o Taylor that was candidate and sett up ag^t Jn^o Lecompt, there is allsoe one Morris Bryce who gave his vote for Jn^o Taylor and was allowed by the Sherriff at the time of Election and putt into the list but now at this time at a more strict scrutiny made into the s^d list the s^d Sherrieff: in his own vindecation, doth assert that this Bryce was not quallified to vote but on the other hand Jn^o Taylor the s^d candidate and Complainant did offer upon oath that the said Brice was questioned at the time of the scrutiny made at the Election, and that W^m Edmondson did give such satisfaction to the Sherrieff that he continued him in the list for the said Taylor.

Now may it please this Honble house this matter appearing very nice and we of the Comittee knowing ouer owne insufficiency have resolved that it be referred to this honble house whether the said Brice shall be thought quallified to give his vote upon Jn^o Taylors allegation that M^r Edmondson did give Satisfaction at the time of Election as before that he was duely qualified.

There is likewise another difficulty among us w^{ch} we must acknowledge our selves Incapable of determining and Submitt to the Iudgm^t of this honble house to with: whether the Sherrieff of the County hath a right of voting, and if he be

quallified to vote then it's our opinion that the s^d Jn^o Lecompt is Duely returned to serve as a dellegate in this present Gen-
erall Assembly. Original
Journal.

But if it shall be the Judgem^t of this hon^{ble} house that the Sherriff have noe right to vote and that the s^d Morris Bryce is duely quallified to give his vote then its our opinion the s^d Sherriff hath made undue returne of Jn^o Lecompt but in this we submitt.

The usuall method of drawing the Indentures returned for Dorchester County viz^t

Between Iacob Lookerman high Sher: of the County of Dorchester on the one parte and Maj^r Jacob Lockerman Burg^{ss} and freeman of the County asd. on the other parte, which is likewise the forme of the other three Indentures is humbly oferd by us to the Consideration of the honble house.

Tho^s Greenfeild Chairⁿ
Phill: Loyd
Hugh Eccleston
Elisha Hall
Sam^l Sicklemore

After some debate in the house concerning the matter referred to their Consideracōn it is resolved that M^r Jn^o Lecompt is duely ret^d a Burgess for Dorchester County.

Signed p ord^r of the Com^{ee}
Jn^o Dorsey Clk: Com^{ee}

Putt to the Question whether the Sherriff have any vote upon Election of Dellegates or not.

Resolved by Majority of voices that the Sherrif have not any vote on Election.

The house adjournes till Monday morning 7 a Clock

Munday May 12th 1701

The house mett and were called over wanting Maj^r Walter Smith, Coll^o Ennalls apeared in the house and ord^d that Maj^r Smith and Coll^o Thompson attend him to be sworne before his Ex^{cy} and Councill

Who returne and say they have seene him sworne,

Ordered that the publick Treasu^{re} and Navall officers appeare on thursday morning and bring with them their acc^{ts} &c.

Ordered that the Serjeant attendant give notice to the officers afs^d then to appear for that purpose

M^r W^m Harris M^r Jn^o Salter, M^r Phillip Lynes M^r Jn^o Dorsey M^r Jn^o Wight appointed a Com^{ee} to enquire into the agreivances of the province are sent out.

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Journal.

Proposed whether it be not reasonable that an humble address be made to his Ex^{cy} that some parte or porcōn of the 3^d p^h h^d for armes be applyed towards the cleansing fixing and p^rserving the publick armes now in the Countrey.

Resolved that an address for that purpose be drawne and that M^r Kenelm Cheseldyne Maj^r W^m Dent and Coll^o W^m Whittington Draw the address for that purpose.

Who returne and deliver the same to the Speaker and is as followeth viz.

By the house of Burgesses May 12th 1701.

May it please your Ex^{cy}

By this our humble address wee represent to yo^r Ex^{cy} That we find by our Journalls and other proceedings that out of the 12^d p^h h^d by the law of this province settled on his Maj^{ty} for support of the Govern^t &c: his Maty: has been graciously pleased to direct 3^d thereof towards supplying the province with armes, amunition and other implements of warr w^{ch} by the blessing of God and your Ex^{cys} good Conduct and Care has supplied us with a Sufficient quantity in number tho' many deficient in quallity and we hope money in Banke upon the same fund.

2. That these rumors of warr at it prompts all others soe us to put our Selves in the best posture of defence wee are able by cleaning and makeing fitt for Service those armes and implements of warr that we have many of them in the severall Countyes being unserviceable and out of kelter;

From these premises we pray yo^r Ex^{cy} to condesend and give ord^{rs} that soe much money out of that fund as upon reasonable computacon shalbe judged necessary may be applyed to fitt and make Serviceable those armes and implements of ware in the sev^{ll} Counties as may compleat the same and that some fitting p^{rs}ons in the severall Countys may be empowered to receive the s^d money and see the worke p^rformed. And returne an acc^t thereof to your Ex^{cy} &c: w^{ch} wee humbly hope and conceive is consonant to his Mat^{ys} gracious intention and will be favourably received and granted by yo^r Ex^{cy}

Which was here read and approved of.

Ordered that M^r Kenelm Cheseldyne Coll^o Jn^o Hinson Coll^o Tho^s Ennalls Capt. Jn^o ffranklyn M^r Phill: Loyd Coll^o Jn^o Tompson, M^r Jn^o Hall, Coll^o W^m Holland. M^r Elisha Hall, and Maj^r W^m Dent, M^r Tho^s Greenfield and Coll^o Henry Lowe Carry the same to his Ex^{cy} in Councill.

They returne and say they Delivered the same

Putt to the question whether the consideration of the paym^t

of Leavys in money be putt to the vote of the house or referred to the Consideration of a Comittee. Original Journal.

Resolved by Majority of votes that the same be putt to Consideration of a Comittee and to make report thereof to this house and

Maj ^r Tho ^s Smith	Coll ^o Thomas Ennalls
M ^r W ^m Hutchison	Coll ^o William Holland
Coll ^o Henry Lowe	M ^r James Saunders
Maj ^r W ^m Dent	M ^r William Harris
M ^r Kenelm Cheseldyn	

A Committee for Consideracōn of the afores^d proposall are sent out

Coll^o Jn^o Hammond & Coll^o Francis Jenkins enters the house and delivers M^r Speaker a message which is referrd till the afternoone.

The house adjournes till two a Clock post Mered.

Post Merediem. The house mett againe present as in the morning

The message brought to this house in the Morning by Coll^o Hammond and Coll^o Jenkins was here read, And the consideration thereof referred to a full house to morrow morn.

Tho^s Tench Esq^r Coll^o Jn^o Addison James ffrisby Esq^r and Coll^o Jn^o Hamond enter the house and Deliver the honble Speaker the following Message

Gent.

His Mat^y has been very Gracious in haveing a peculiar care to avoid the Laying any burthen upon you in this province he haveing allotted the 3^d p^h for Armes &c. The most of his Governm^{ts} in the West Indies to my knowledge are constrained to supply themselves

I must remarke to you that the money ariseing from the s^d duty of 3^d is to be Disposed of only by my selfe and his Mat^{ys} Councill here and therefore must be very cautious in makeing any Misapplication of it. But since this seems not to Carry the face of being repugnant to my instructions or at Least by the litterall words I doe construe it soe and that it will be an Ease to the Countrey which I am allways ready to oblidge. The Gent: of his Mat^{ys} Councill are pleased to joyne with me in assenting to it and desire you will make yo^r proposalls what may be expected Sufficient for each County.

I am Gent: Yo^r humble Serv^t
N. Blakiston

Original
Journal.

Which being read it is ordered by the house that the same be againe read to morrow morning

The Peticōn of the Vestry of King and Queen Parish in S^t Mary's County concerning the distance of their Church and Chappell &c. was read.

And the peticon of Inhabitants of S^t Maries Co^{ty} for removing the County Courts or deviding the County was likewise read.

Both which petitions are referred for a further Consideracon

Upon reading the petⁿ of Gerrard Slye and other inhabitants in S^t Mary's County praying releife for the Excessive charge of the Com^r of the said County allowed in their Leavy's by a tax on the Inhabitants &c.

Ordered the peticoners be referred to the Co^mon Law for their remedy and that they apply themselves to his Maty^s Att^{ny} Gen^l for that purpose.

p^suant to an order this day made the following su^mons Issued to the Serj^t attendant.

By the house of Dellegates May 12th 1701

Pursuant to a resolve of this house it is Ordered that you Thom^s Smithson Esq^r and M^r Sam^l Young publick Treas^r and George Plater W^m Bladen and W^m Dent Esq. Navall Officers on the Western Shore and Coll^o John Thompson, M^r Tho^s Collier and M^r Jn^o Bosman Navall officers on the Eastern Shore that they p^sonally appeare before this house on Thursday next and bring with them their Sev^l and respective publick acc^{ts} Stated for inspection of this house hereof you are not to omitt.

Signed per Ord^r

W^m Taylard Clk house Dellegates.

To M^r Dan^l Canning Serj^t }
attendant on this house }

The petⁿ of Jn^o Brannock wherein he complained that the Sheriff of Dorchester County by virtue of a power from the Justices of the said County delivered the possession of a certaine Tract of Land belonging to him called Chance lyeing in the s^d County unto M^r Henry Hill contrary to the Law &c and thereof prayed reliefe.

The Consideration whereof is by his Ex^{cy} and Councill referred to this house which s^d pet^r being here read and considered this house are of opinion that the peticoner have his remedy at Law to which he is referred.

The house adjournes till to morrow morn. Seaven a Clock

Tuesday May 13th 1701.

Original
Journal.

The house mett againe present as yesterday.

And upon humble mocōn made to this house by Coll^o W^m Whittington has Liberty to depart the house.

The house takeing into Consideracon w^t porcon of the 3^d p hh^d may be sufficient for fixing and cleansing the publick armes and implements of warr &c:

Ordered that a message be sent his Ex^{cy} desireing him to comand the Clk of the Honble Councill to lay before the house an acc^t of what publick armes are in the province.

Ordered the Serj^t attend^t bring before the house W^m Barton Sher. of Prince Georges County to answer his mistake in returning wrong Ind^s for M^r Tho^s Greenfield a member of this house for Prince Georges County.

The Message concerning the acc^t of the publick arms as followeth—

By the house of Dells May 13th 1701

The house takeing into Consideracon what part or porcōn of the 3^d p hh^d may be sufficient for the fixing and cleansing arms &c: but cannot proceed to any resolve till they have knowledge w^t arms are now in the province.

Therefore humbly pray his Ex^{cy} will please to comand the clk of the Honble Councill to lay before the house an acc^t of w^t armes and w^t number in each county are Lodged.

Signed p order
W^m Taylord Ch H. Dell.

Sent by Maj^r W^m Dent, who returnes and says he has delivered his message.

The Committee appointed to consider of the Conveniency or ill conveniency of advancing money for paym^t of Leavyes, Enter the house and delivers their Reporte in wrighting as followeth viz^t

May 12th 1701.

Att a Comittee appointed by the Honble house of Dell. to consider the Conveniency or ill conveniency of advanceing money for paym^t of Leavyes &c:

Present.

Maj ^r W ^m Dent	}	M ^r James Saunders	}
Maj ^r Tho ^s Smith		Coll ^o Henry Lowe	
Coll ^o W ^m Holland		Coll ^o Tho ^s Ennalls	
M ^r W ^m Hutchinson		Mr. W ^m Harris	

Original Journal. This Com^{ee} have Elected and made choice of Maj^r W^m Dent to be chairman of the s^d Com^{ee} and ordered that Richard Dallam be clarke thereof.

The said Com^{ee} adj^d till 2 a Clock in the afternoon to the Stad house.

This Committee mett according to adjournment.

Present.

Maj ^r W ^m Dent	}	Coll ^o Tho ^s Ennalls	}
Maj ^r Tho ^s Smith		M ^r Ken ^m Cheseldyne	
Coll. Wm. Holland		M ^r W ^m Harris	
M ^r W ^m Hutchison		Coll ^o Henry Lowe	
M ^r James Saunders			

Printed reason for the Conveniency of advancing money for the paym^t of Leavys read &c.

A paper wrighteing Entituled some modest observacōns on reasons offered to the Assembly why all County Leavys and pub. Leavys shall henceforw^d be paid in money and not in tob^o read.

This Committee haveing read and considered the reasons offered for paying all publick dues in money and some reasons offered ag^t it, both w^{ch} are herewith laid before and submitted to the house.

Upon the Consideration thereof the difficulty appeares to us thus. That the wealthy parte of the province might comply with such a Law and that it might in a great measure advance Trade and introduce money alsoe yett in the meane-time the poorest pte of the people who cannot com^d it from places where it may be had will be more opprest then now because they will be under a necessity to purchase money from them th^t have it at w^t rates they will sell it w^{ch} difficulty we cannot advise to lay them under absolutely.

But because we would not have soe good a mocon totally rejected but endeavour to accomodate the matter to the ability as well of the poore as rich till time and experience shall ripen us for further Steps therein we humbly propose—

That if the Law may be qualified with a Liberty to those that cannot gett money by a certaine Limitation of time in each yeare to pay tob^o it might encourage those that could gett money to pay publick dues in it if they thought it advantageous to them and by that means draw more money in and then if the poor could with their moveables gett parte of it they might in time come into the same paym^t but in the meane time we would not enjoyne them to w^t at present appeares impossible for them to pforme.

The Scheem of w^{ch} as agreed by us is as foll^o

That the Sherriffs shall be obliged to receive all publick dues either in money or tob^o at the Election of the payer provided such p^{so}ns tender the money to the Sher. by the first day of Ian^y yearely.

Original
Journal.

But in default of such tender thereof att the time afs^d then it may be Lawfull for the Sher: to execute for the Same as heretofore he used to doe And further that any Debt due to him from the publick county or pish shalbe oblidge to take and receive the Same in money or tob^o pporconably to the money and tob^o rec^d by the Sherriff and the tob: to be vallued in money by the comiss^{rs} in each respective County in November Court yearely and all publick officers fees be alsoe p^d at the elecon of the debtor in money at the price currant soe as afs^d annually rated every Nov^r Court as afs^d and allsoe all practition^{rs} in the Law in any of his Mat^{ys} Courts of this province as af^d be oblidge to take and receive their fees in money at the prices afs^d sett or in tob: at the election of the Debtors, that if publick officers putt not their list of fees into the Sherriffs or other hands before the first of January in every yeare the pty debtor be no ways oblidge to answer the Same that yeare.

The Comittee adj^s to the house

Signed by order
Rich^d Dallam Clk Com^{ee}

Which being here read and considered the house concurs intirely with the said Reporte.

Thomas Tench and Thomas Brooke Esq^{rs} enter the house and bring the following Message.

By his Ex^{cy} the Gov^r and Councill in
Assembly May 13th 1701.

In answer to the houses Message by Maj^r Dent it is desired that you will send three or fflower of yo^r members to Joyne with two of his Mat^{ys} honble Councill to conferr thereupon.

Signed p Order
W. Bladen Clk: Councill

Resolved that fower of the members of this house Ioyne in Conference and ordered that Coll^o Holland, Coll^o Smallwood Coll^o Loyd and Coll^o Ennalls attend such of his Mat^{ys} honble Councill when and where his Ex^{cy} shall please to appointe.

Original
Journal.

Major Barton Sher: of Prince Georges County appeare, and ordered that he immediately send downe to the house the Ind^{re} acknowledging himselfe to be under a mistake by sending a wrong Indenture for M^r Thomas Greenfeild. Thereupon is dismiss.

It appearing to the house that tho M^r Greenfeild has been Legally Elected therefore resolve he continue in the house.

M^r Dent M^r Cheseldyne Coll^o Loyd M^r Tilghman and Coll^o Holland appointed Committee of Laws and are desired to repaire to their Committee.

The Message relating to the Conference above Desired

By the house of Delegates
May 13th 1701.

Upon Consideracōn of the Message this day by Tho. Tench and Thomas Brook Esq^{rs} wherein a Conference is Desired.

It is Resolved that some members of this house Ioyne in Conference and that Coll^o W^m Holland, Iames Smallwood Coll^o Edw^d Loyd and Coll^o Tho^s Ennalls attend such of his Maty^s Honble Councill when and where his Ex^{cy} shall pleased to appoint.

Signed p order
W Taylor Clk.

Sent to his Ex^{cy} p Major Dent.

James ffrisby and Rob^t Smith Esq^{re} enter the house and delivers the following message to M^r Speaker

By his Ex^{cy} the Gov^r and Councill in
Assembly May 13th 1701.

Gent. You cannot make an estimate of what the charge will be in cleansing and mending the armes out of Kelter in each County. It is thought fitt that the Coll^o of each County view them and keep them in good repaire which are now Serviceable and gett all the rest mended and w^t charge it amo^{ts} to in each County that the respective Coll^o draw a note upon his Ex^{cy} the Gov^r who will pay the money and since Experience shews us the Great Spoile that has been made in the armes abroad and it is believed that most of the Co^{ty} have allready armes for their present Defence and in Case any are not Supplied upon their application to the Gov^r they will be better furnished for the better preserveing the Armes for the future in Case of a Xtian enemy. it is adjudged necessary that a Considerable quantity of Armes be lodged here

and the Gov^r will take care to provide a fitt person to attend the armes here and keep them in good order at yo^r charges as you have requested soe^t that they will be readier to be disposed of as necessity shall require. Referred

Original
Journal.

Signed p order
W. Bladen Clk: Councill.

Ordered the following message be sent.

By the house of Dell. May 13th 1701.

Upon reporte to this house of the Effect of the Conference upon the Subject menconed in the message of the 9th Instant by the honb^{le} Thomas Tench Esq^r &c:

Resolved that the said Laws remaine und^r the present Establishment till his Mat^{ys} pleasure may be knowne therein

Signed p order, W. Taylard clk: ho. Dell.

The foregoing message sent up to his Ex^{cy} and Councill by Coll^o Holland, Coll^o Smallwood, Coll^o Loyd and Coll^o Ennalls.

They returne and say they have delivered their messages.

The Gent: appointed to attend the Conference enter the house and psuant to the verball reporte the following message was ord^d to be sent to his Ex^{cy} &c viz^t

By the house of Delegates May 13th 1701.

May it please your Ex^{cy}

This house having read the report from the Gent. of Conference which is very acceptable to this house.

Therefore humbly desire yo^r Ex^{cys} proposalls relateing thereto may be reduced in wrighting and the same shall be from this house that it may remaine upon the Iournalls.

Signed p order
W Taylard Clk: house Dell.

Sent by Coll^l Lowe and M^r Muschamp to his Ex^{cy} in Councill

They ret. and say they dd. their Message.

Thomas Tench Esq^r Coll^o John Addison, Thomas Brooke Esq^r and Coll^o John Hamond enters the house and delivers the hono. Speaker a message the consideration whereof is referred to the afternoone.

The house adj^s till 2 a Clock in the afternoone.

Original
Journal.

Post Merediem. The house mett ag^e and were called over and were psent as in the morning.

James Frisby and Francis Jenkins Esq^{rs} enters the house and Delivers to the Hon^{ble} Speaker a message relateing to the cleaning the publick armes. Referred to further consideracon

A message brought here yesterday by Coll^o Hamond and Coll^o Ienkins follows, viz^t

By the Gov^r and Councill in Assembly May 12th 1701.

His Ex^{cy} haveing this Day required our sentiments upon the rumour of an vnavoidable warr likely to ensue in Europe w^t methods would most conduce to the rendering the millitia of this province more usefull and necessary for the defence thereof ag^t any sudaine Invasion from a forreign enemy, wee recomend it to your consideracon whether the s^d Millitia may be better regulated for the defence of the province, and that you will acquaint us with the resolucons of your house thereupon.

Signed p order. W Bladen Clk. Councill.

When being read and considered putt to the vote whether a Comittee shall goe out to Consider whether the Act of Militia in force should stand upon the same foot that it now does or not.

Carried by majority of votes that the said act be referred to a Comittee for that purpose, and,

Ordered M^r Phil^o Loyd M^r Mathias Vanderhayden and George Muschamp Esq^r be added to the Comittee of Laws to Consider thereof.

Rob^t Smith and francis Ienkins Esq^{rs} enter the house and deliver M^r Speaker some pet^s the Consideracon whereof is further referred.

The Message by M^r James ffrisby and Francis Ienkins Esq^{re} read againe this morning and is as followeth.

By his Ex^{cy} the Gov^r and Councill May 13th 1701.

Gent:

Since you cannot make an estimate of w^t the charge will be for cleansing and mending the armes out of Kelter in each County it is thought fitt that the Coll. of each County view them and keep them in good repaire which are now serviceable and gett all the rest mended and what charges it amo^{ts} to in each County that the respective Coll^o draw a note upon his Ex^{cy} the Gov^r who will pay the money. And since expe-

rience shews us the Great spoile that has been made in sending the armes abroad and its believed that most of the Countys have allready armes for their psent defence and in case any are not supplied upon their applicacon to the Gov^r they will be better furnished, for the better preserving the armes for the future in case of a Xtian enemy its adjudged necessary that a considerable qty of armes be lodged here and keepe th^m in good ord^r at yo^r charge as you have requested soe that they will be readier to be disposed of as necessity shall require.

Original
Journal.

Signed by Order
W Bladen Clk. Councill.

Which being read in a full house, the house entirely concurs therewth, and ordered that message be sent his Ex^{cy} to signify the same, and ret. him hearty thanks which message is as follows

By the house of Dellegates, May 13th 1701.

May it please Your Ex^{cy}

The Message by James ffrisby and Francis Ienkins Esq^{rs} relating to Clensing and mending armes was here read and this house entirely concurs therewith and returne your Ex^{cy} harty thanks for your care therein,

Signed p order.
W Taylard Clk: house Dell:

Col^o St Leidger Cood M^r W^m Parker, M^r Phillip Lynes M^r W^m Harris, Col^o Tho^s Ennalls and M^r Sam^l Young are sent up to his Ex^{cy} and Councill with the afores^d Message. They returne and say they del^d their Message.

The pet^o of M^r Henry Hall principall vesteryman of S^t Iames Parrish in Ann Arund^l County and others his brethren to Grant an Act for confirmeing Gleebe Land psuant to the last will and Testam^t of Eliz^a Rigby Dec^d was here Read and Considered.

It is resolved that a Law be drawne for that purpose and ordered that the peticōn be sent to the Com^{ee} of Laws to prepare a Bill.

The pet^o of Peregrine Browne thereby praying an order to the Navall officer to refund him the duty of 26 negroes imported in the Shipp fairefax, was alsoe Read and Rejected.

The pet^o of Mary Morton begging the Charity of this house was here read and this house haveing considered the same the peticōner is referred to the com^{rs} of the County for her Subsistance in her poverty and the petⁿ is rejected.

Original
Journal.

The pet^o of the Vestry of W^m and Mary pish and King and Queens pish in St. Mary's County praying that a Law may pass for dividing the s^d pishes referred to further Consideracōn.

The message by James ffrisby and Rob^t Smith Esq^r of this morn^g viz^t

By his Ex^{cy} the Gov^r and Councill in Assembly
May 13th 1701.

If you are come to any resolucōn in reference to the proposed matter of the Conference this Board are desireous to be acquainted therewith

Signed p order
W Bladen Ch Councill.

Was here read and referred to further Consideracōn.

The Gent: added to the Com^{ee} of Laws enters the house and makes their report as follows

Máy 13th 1701.

By the Com^{ee} of Lawes, with addicōn of the members assigned. The p^rsent Law for the regulation of the Millitia has been examined and Considered as alsoe the charge of the house thereupon.

Upon w^{ch} the Com^{ee} have thus considered.

1. That the p^rsent Act enjoynes all p^rsons except &^c to come to muster at the times appointed and on failer lyable to a fine of 100[£] tob^o for every neglect of w^{ch} the Capt. is Iudge and th^t without any pay.

2. We doe not finde any people bound to attend Musters more strictly then here in times of peace w^{ch} seems sufficient and when Warr happens measures of warr must be taken.

3. The Greatest reason why the Militia seems unserviceable is not Living up to the p^rsent Law the neglect of w^{ch} must be principally in the Comd^{rs} negligence for they have power to sum^o and if disobeyd can fine for such centempt.

4. Upon the whole matter we see no better expedient to amend the present condicōn of the millitia then by putting the law allready made in practice by enforceing the Comd^{rs} to there duty viz^t

The frequent calling their companys together as the law directs and taking due paines and care to instruct and traine them that are able to p^rforme their duty and this und^r penalty to the Comanders as well as those comanded.

Which being read and Considered this house concurs therewith and ordered that the following Message be sent to his Ex^{ty} and Council

Original
Journal.

By the house of Dellegates May 13th 1701

May it please Yo^r Ex^{ty}

In answer to the message of the 12th Instant by Coll^o Jn^o Hamond and Coll^o Jenkins relateing to the millitia this house did referr it to a Com^{ee} to Consider of w^t Laws might be made to render the Millitia more usefull who have reported to us that the Constitucon of this Countrey will not admitt of any better Law to be made.

Signed p order

W Taylard Clk: house Dell:

M^r Philemon Loyd and Coll^o Henry Lowe sent up to his Ex^{ty} with the sayd message. They returne and say that the honble Council is adjourned, therefore referred to be sent to morrow morning.

The house adjournes till to morrow morning seven a Clock.

Wednesday 14th May 1701

The house mett againe and called over all present only Coll^o W^m Whittington and M^r W^m Hutchinson had Liberty to depart the house and M^r Jn^o ffrancklin sick.

The message yesterday by Tho^s Tench Esq^r Coll^o Jn^o Addison, Tho^s Brooke Esq^r and Coll^o Jn^o Hamond, read as follow

By the Council in Assembly May the 13th 1701

Whereas the free school wee now sit in hath been built in great measure by the Subscriptions of Severall private psons well affected to that good Designe, who are desireous to see the good effect thereof, It is recomended to your house to consider how the best use may be made of the sayd house, it being now finished, And also that you will take care to provide some convenient fitting place for his Ma^{tyes} Council to sitt in in Assembly time for the better dispatch of business, And likewise for a handsome place for the Armes to be Lodged in where they may be hung up there being a considerable quantity to be lodged here.

Signed p order

W Bladen Clk: Concl

Original
Journal.

Which being read the consideracon of that part thereof relateing to the free schoole and convenient place for the Honbl^e Councill to sit in is by the house referred to the next Sessions of Assembly

And as to a convenient place to Lodge the publick Armes this house has allready p^rchased a house of Maj^r Edw^d Dorsey, And it is ordered that a Committee be appoynted to goe and view the s^d house and report w^t repayres it wants and the estimate of such repayres, and likewise to agree with any p^rson that is willing to repayre the said houses and make them fitt for the purpose designed, of which they are to make their Speedy report thereof to the house.

The Committee of Agreivances enters the house and makes their Report, viz:

It is offered as an agreivance from the Committee, that Whereas severall p^rsons within this province when they Decease are much indebted to the Inhabitants hereof and leave noe personall Estate whereby to satisfie their creditors but leave great quantitye of Lands which descends to their heires whereby their creditors are left without remedy to recover their Just Debts.

Therefore this Committee humbly moves whether it be not reasonable to prevent the same by a Law

It is represented as Agreivance that whereas many p^rsons haveing Comissions from his Ex^{ty} for rangeing after wild cattle and horses in the woods and forrests and under that p^rtence drive away severall horses and Cattle out of the necks and Lands adjoyning to many plantacons

Therefore this Committee wth submission offers it to this house whether it may not be necessary that a Law be made to prevent the abuses aforesayd for the future and Likewise the opinion of the house what shalbe deemed woods and forrest land and w^tage the Cattle and horses must be of that are under the Censure of this law.

Which being read and considered, Resolved that the first article about Dec^{ts} for payment of Debts be wholly rejected

And as to the second article relateing to rangers this house have considered and resolved that a bill be prepared for remedy of that agreivance, And ordered that M^r W^m Harris M^r Philemon Loyd M^r Geo: Muschamp and Coll Tho^s Ennalls goe and prepare a bill for that purpose ready to be delivered to morrow morning

Proposed by a member of this house whether it be not reasonable that their be a Law for itinerant Judges &c

Putt to the Question whether the Consideracon thereof be referred to a Com^{ee} to compute the charge &c. or to be referred to the next Sessions of Assembly.

Carried by the Majority of votes that the Consideracōn thereof be referred to a Com^{ee} to compute the charge and conveniencey and ill conveniencey thereof and, Original Journal.

Ordered that M^r W^m Harris M^r Phil^o Loyd, M^r Geo. Muschamp and Coll Tho^s Ennalls be added to the Comittee of Laws and being joined into one Comittee they are to enquire into the charge of Itinerant Justices and compute whether such Judges will be more charge to the Countrey then the present constitucōn and likewise the advantage and disadvantage that may accrue to the province thereby, and to make report thereof to the house.

M^r John Salter, M^r Sam^l Young and Cap^t John Dorsey appointed a Com^{ee} to enquire into the repaires of the house bought of Maj^r Edw^d Dorsey for a Store house to Lodge the publick armes and Likewise to make reporte of the estimate of such repaires and are empowered to treat and agree with any pson that will undertake the repaires of the said house. They are sent out and Ordered to make Speedy report thereof to this house

The house adj^s till 2 a clock in the afternoon.

Post Merediem. The house mett againe p^sent as in the morning.

The report of the Com^{ee} concerning paym^t of Leavys in money &c: was ordered to be sent up to the Comittee of Laws to prepare a bill.

The peticon of King and Queens pish and W^m and Marys pish for dividing the pishes, againe read, and this house have referred the consideracon of dividing the pishes to the next Session of Assembly that this house may have more Light in the matter.

And ordered that Message be sent to his Ex^{cy} to Interpose his authority that M^r White menconed in the petition may be paid the 40 p poll to some equivoilent satisfaction for the time of his Service in the Upper parte of King and Queens pish in Charles County and that his Ex^{cy} would be pleased to compell the Vestery of the said pish to render an acc^t of the 40 p poll to his Ex^{cy} or to some pson as his Ex^{cy} shall please to Substitute for that purpose, which message is as follows, viz^t

By the house of Delegates May 14th 1701.

The Consideracōn of the peticon of the King and Queens pish and Wm and Mary pish for dividing the parrish Lyes before this house and being read and considered this house have further referred the Consideracon of Dividing the parishes till next Sessions of Assembly that this house may have

Original Journal. more light thereon, and as to the other parte of the peticon this house humbly prays your Ex^{cy} to interpose your authority, that M^r White menconed in the peticōn may be paid the 40 p poll for the time of his Service in the upper part of King and Queens pish in Charles County and that your Ex^{cy} would be pleased to compell the Vestry of that parish to render an acc^t of the 40 p poll to your Ex^{cy} or to some p^{rs}ons that your Ex^{cy} shall please to Substitute for that purpose.

Sent by M^r Phill^o Loyd and M^r Elisha Hall.

Signed p order.

W Taylard C^{lk}: house Dellegates

Proposed by a member of this house whether it be not reasonable that the printed body of Laws be examined by the Originalls.

Resolved that the printed Laws be examined and corrected by the originalls and ordered that Coll^o Lowe, and Maj^r Jn^o Lowe be appointed to Examine and compare the printed body of Laws by the originall Coppys and make speedy report thereof to the house.

The Com^{ee} of Laws enters the house and Delivers the following Bills.

A Bill Investing a tract of Land in Dorothy Stevens sold her by Symon Willmore to her and her heirs for ever. Read the first time, ord^d to be read againe to morrow morning.

A Bill Investing a tract of Land on S^t James Church Read the first time and ordered to be read againe to morrow morning.

A Bill for naturalization of Severall p^{rs}ons read the first time and ordered to be read againe to morrow morning.

The Com^{ee} of Laws appointed to consider the conveniency and illconveniency of Itinerant Judges in this province, enters the house and gives their report which being debated in the house.

Putt to the Question whether the Consideracon thereof be referred to the next Sessions of Assembly or totally reject the same.

Carried by majority of voices that it be totally rejected.

M^r Phill^o Loyd and M^r Elisha Hall sent up to his Ex^{cy} and Councill with two messages, one Relateing to the Militia Law and the other concerning the peticon of King and Queen and Wm. and Mary pishes.

They returne and say the honb^{le} Councill were not sitting.

M^r Jno Salter M^r Jno Dorsey and M^r Sam^l Young appointed to view the house bought of Maj^r Edw^d Dorsey enters the house and reports as followeth viz.

1st They find it absolutely necessary for the preservation of the house that the Sellers be filled up. Original Journal.

2^{dly} That the plank flower over the Seller be taken up and there be new Sleepers and the flore new laid.

3^d That one of the windows in that roome be close made up the others to have foulding Shutters with plank and hung with hinges.

4 In the other roome two windows and a Loft door Close made up folding Shutters with plank hung with hinges as in the other roome for one other windowe the outward floor Leavelled.

5 one new Grounsell be putt in at the outward Dore of this roome.

6 One Small breach in the brest of the Chimney to be made good for the Safety of the house and all other breaches in the said house belonging to carpenters worke to be made good the doors well hung close fixed with a Good Stock Lock and key.

7 All which will be undertaken to be done by M^r Richard Beard of this Towne for twelve pounds in money which we in Submission to this house think it may be reasonably worth.

Which was here read and M^r Richard Beard being desired to walk into the house he appeared and being demanded if he will undertake the worke in the report mencōned for 12^l Sterling which the said M^r Beard verry willingly accepted thereof and oblided himself to finish the said worke by the last day of August next.

Ordered that Message be prepared and sent to his Ex^{cy} to concur there^{wth}

The house adjournes till to morrow morning 7 a Clock

Thursday May 15th 1901.

The house mett againe and being called over, all were present as Yesterday only M^r ffranckling and M^r Whittington wanting.

Proposed by a member whether it be not reasonable that some provision of boates may be ordered for the conveyance of Iurymen Liveing over the Bay to attend at Annapolis.

The Consideracōn whereof is referred to the next Sessions of Assembly

Motion made by a member of this house concerning some Land of Coll^o George Tallbotts which is presumed to be ordered to be sold for refunding the Country w^t Tobacco they p^d for him Consideracōn is referred till the next Sessions of Assembly.

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Journal.

Bill for Naturallizacon of Severall psons read the second time and doe pass for Engrossing.

Bill Investing Land in Dorothy Stevens read the second time and doe pass for engrossing.

Bill for Investing Land on S^t James pish read the second time and doe pass for engrossing.

Proposed whether it be not Convenient that the Rangers be taken of and Disbanded or not.

Resolved that an humble address be made to his Ex^{cy} for that purpose.

James Baker Doorkeeper psents the hon^{ble} Speaker his peticōn as follow viz^t

To The Hon^{ble} Tho^s Smithson Esq^r Speaker of the house of Assembly and the Rest of the Dellegates and Burgesses now convened.

The humble peticon of James Baker Doorkeeper.

Sheweth, That your pe^{tr} for Severall years Last past has been a partaker of your abundant favour of which in all tyes of obligatory Duty. he is obliged to return your Hon^{rs} his most humble and hearty thanks.

That your pe^{tr} the Last Generall Assembly presented his humble peticōn to your Hon^{rs} therein setting forth that by reason of decrepit age Lameness and other infirmetye he was reduced to a very low State and condicōn and Consequently Supplicated your Hon^{rs} to bestow upon him a Servant. The prayer of w^{ch} peticon was Granted but the then clarke of the Committee of Accounts either by his inadvertency or mistake in writeing omitted to enter your Honors order in the account and by that means your pe^{tr} is hitherto left without in Contempt to the order of this hon^{ble} house.

Your pe^{tr} therefore most humbly prays your Hon^{rs} to be favorably pleased to bestow upon him a negroe to relieve him in his Great necessity and thereby your Hon^{rs} (under God) will preserve him and his poore ancient Wife and family from perishing

And your pe^{tr} shall ever pray &c:

Which being read the poverty and age of the pe^{tr} is by the house Considered. It is Resolved that an able Serv^t be forthwith pchased and delivered him for his reliefe in his old age, and Ordered that Coll Jn^o Smith and Coll^o Jn^o Thompson buy a Serv^t forthwith to be delivered the pe^{tr} and this house will see the same payd for if his Ex^{cy} shall please to concurr therewith.

The following Message by order last night prepared and read as foll^o

By the house of Dell. May 15th 1701.

This house having taken into Consideracon the Message of the 13th Instant by Tho^s Tench Esq^r Coll^o Addison Tho: Brooke Esq^r and Coll^o Hamond relateing to the free Schoole.

As to that part wherein it is recommended to this house to Consider how the best use may be made of the Schoole house and that care may be taken for a convenient place for the Councill to sett in, This house have Resolved to referr the Same to the next Sessions of Assembly.

And as to that part wherein it is desired that a handsome place may be provided to Lodge the publick armes in.

This house answers that they have purchased a house of Maj^r Edw^d Dorsey for that purpose and t^was ordered that a Committee be appointed to veiw the said house and report w^t repayres it wants and the estimate of such repayres and Likewise to agree with any p^{rs}ons that are willing to undertake the repayres thereof, and make the same fitt for such uses, which Committee Reported to this house w^t repayres are necessary to make the said house Serviceable and that M^r Rich^d Beard would willing undertake the worke for twelve pounds sterl^g to be finished by the last of August next. If your Ex^{cy} please please to concurr therewith.

Signed p order
W Taylard Clk: house Del:

Which being read, Ordered that Maj^r W^m Dent M^r Elisha Hall, M^r Hamond M^r John Salter, M^r W^m Parker be sent up with the the aforegoing three Bills here read 1st and 2^d time and the message p^{rs}pared yesterday and that prepared this day to his Ex^{cy} and Councill.

They returne and say the Councill are not Sitting. Committee of Laws enters the house and Delivers M^r Speaker the following Bills.

Bill to encourage importing Corne into this province.

Bill for more Speedy obtaining Execucons ag^t p^{rs}ons flyeing out of the County where Iudgm^t is recovered. Ordered to be read in the afternoon.

The Gent: before appointed to carry the bills &c are againe ordered to carry the same with the messages to his Ex^{cy} in Councill.

They returne and say they delivered their message.

M^r John Bozman Navall officer for Somerset County appeared and laid before this house his publick acc^t or an estimate thereof but for as much as he cannot prove it longer time is given him.

The Gent: before appoynted to carry the messages are againe sent with them to his Ex^{cy} and Councill.

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Journal.

They Returne and say they delivered the same.

Bill incourageing the importing Coyne &c: read and amended and ordered to be read to morrow morning.

The house adjournes till two a Clock in the afternoone.

Post Merediem. The house mett againe and present as in the morning.

The Gent: appoynted to purchase a serv^t man for James Baker comes into the house and say there is none to be had in the towne being all removed.

Therefore forasmuch as a Servant is not to be purchased according to an order this day for James Baker.

It is therefore ordered by the house now that three thousand pounds of tobacco be allowed this levy and that it be allotted to be lodged in the hands of Maj^{or} John Lowe of S^t Mary's Co^{ty} to purchase a good able man Servant to be delivered to the sayd James Baker and the said Maj^r Lowe is by the house desired to doe the same.

Bill for more Speedy obtaining Exec. &c. read the first time and ordered to be read tomorrow morning.

The peticon of Jacob Regnier read and referred for further consideracōn.

Proposed th^t whether it be not absolutely necessary that there be a convenient place made or provided to Lodge the publick powder in.

Resolved that such a place be provided and built convenient for that purpose.

And ordered that M^r Beard be desired to repayre to the house to treat with him about building a house to lodge the powder in as before resolved.

M^r Beard enters the house who is desired to attend M^r John Salter M^r Sam^l Young and M^r John Dorsey to treat with him as well of the Dementions of such house as the estimate of Charge the Country wilbe at in building the said house, And they are desired to report the same to the house by all Ex-pediticon.

The house desires M^r Speaker to send for a Reame of paper for the use of this Assembly which will be Satisfyēd by the publick.

The paper was brought into the house and Comitted to the charge of the Clerke.

George Plater Esq^r Navall officer for Patuxent District appeared according to sumōns and laid before this house his publick acc^{ts} Ordered that he take his accounts and make oath to them before his Ex^{cy} the Gov^r and then deliver them to the hon^{ble} Speaker.

M^r Thomas Collier Navall officer for W^m Stadt Likewise appeared and delivered in his acc^{ts} which was approved of by the house, and Ordered that he make Oath to his Account before his Ex^{cy} and Deliver them to M^r Speaker. Original Journal.

Upon motion made to this house it is Ordered that William Taylard be allowed three thousand pounds of Tobacco for services by him done from the time of the Decease of Christopher Gregory late Clerke of this house till he was appointed Clerke and that Maj^r W^m Dent Executor of the said Gregory be discharged from all claime of the said Taylard according to an order of last Sessions of Assembly.

Rob^t Smith and francis Ienckins Esq^{rs} enter the house and deliver M^r Speaker the following bills, viz :

Bill investing Land in Dorothy Stevens &c. endorsed May 15th 1701 read 1 & 2^d time and will pass
W Bladen Clk: Councill

Bill investing land on S^t James Church &c. read, endorsed read 1 & 2^d time and will pass
W Bladen Clk. Councill

Bill for for naturalizacon of severall p^{rs}ons &c: endorsed May 15th 1701, read 1 & 2^d time and will pass if they be not french papists.
W Bladen Clk. Councill

The Peticōn of M^r Phillip Lynes for an allowance of arreares of publick acc^{ts} recomended by his Ex^{cy} the Gov^r and Councill last sessions of Assembly to the house of Dell.

Was here read and resolved the same be referred to M^r W^m Harris Coll^o Thomas Ennalls and Maj^r Thomas Smith to Examine into and inspect his accounts and Claimes and reporte here to morrow morning their proceedings thereupon, that the said Lynes may have Right done.

Which Committee being sent out at the prayer of the sayd Lynes.

Therefore the sayd Lynes came and in the house oblidge himselfe to be Concluded and abide by the Report of the said Committee, and upon such report is never more to make any further claimes.

To all which the said Phillip Lynes did readily concurr with.

Thomas Tench and Jn^o Addison Esq^{rs} enter the house and deliver the Speaker three messages, consideracōn whereof is referred till tomorrow morning.

Coll^o Tho^s Ennalls enters the house and p^rsent the hon^{ble} Speaker the foll. ordinance which was ordered to be read.

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Journal.

Whereas the bounds of the Land formerly Granted unto Ababco Hardswamp and Tilhivaton the Choptanck Indians By Act of Assembly, was never run out and ascertained by meanes whereof Severall Differences have arrisen between the said Indians and English touching the same, And it was thereon ordered that Leiu^t Coll^o Thomas Ennalls the Kings Surveyor of Dorchester County Doe resurvey the said land according to meetes and bounds in the said act sett Downe

And that Lieu^t Coll^o Smithson of Talbott County Coll^o Charles Hutchins M^r Jacob Loockerman M^r Tho^s Hicks and M^r W^m Mishew of Dorchester County was appointed and empowered to see and Direct the Surveyor in the running of the same and make report thereof to the next Assembly, in some short time after Coll^o Charles Hutchins Departed this Life by w^{ch} reason the said order was not complied with

Wherefore it is ordered and ordained by this p^rsent Gen^{ll} Assembly and the authority of the same that those p^rsons hereafter named viz:

The honble Coll^o Thomas Smithson, Major Iacob Lockerman, M^r Tho^s Hicks, M^r W^m Mishew, M^r Jn^o Lecompt, M^r Hugh Eccleston and Cap^t Henry Ennalls or the Maj^r parte of them are hereby authorized and empowered to direct and assist the said Thomas Ennalls Sur^r as afs^d to Survey and lay out the afd. Indians Land, according to the former ordinance of assembly and that the said Surveyor a Cert. and faire plott with all convenient Speed returne to his Ex^{cy} the Gov^r and Councill.

By the house of Delegates May 15th 1701

Read and assented to Signed by order

W Taylard clk hos: Dell:

May 16th 1701 Assented to by his Ex^{cy} the Gov^r and Councill and ordered accordingly.

W Bladen Clk: Councill

Which being here read it is resolved by the house that the same be entered upon the Iournalls of this house first haveing his Ex^{cys} assent thereto.

M^r John Salter, M^r Sam^{ll} Younge and Cap^t John Dorsey appointed to treat with M^r Beard about a roome for the powder &c:

Proposed that the roome be 15 foot Long and 10 foot wide framed Eight foot pitch to stand on Cedar or locust blocks 1 foot from the ground the Grundsells and Sleepers to be of white Oake the flower well laid with inch plank nailed downe

with twenty penny nails the rooff Covered with Inch pine plank CIPHERD one inch or more well nailed on with 20^d nailes to be well Studded weather boarded and Gab^{le} ended with inch pine plank well nailed on with 20^d nailes the holes between the plate and rooff well filled up with brick and mortar and substantiall Dove Groved in well hung with Iron hinges close fitted, fixed with a good Stock lock and Key all which is to be well done strong tite and worke manlike by M^r Richard Beard for twenty pounds in money. The rooff to be well covered with Cyprus Shingles on the planks.

Original
Journal.

Which being here considered M^r Beard is desired to come in. He enters the house and being demanded of M^r Speaker whether he will undertake the work in the Report mentconed, who answered that he would pforme the worke and readily Complied with the Agreement made with the Comittee for twenty Pounds in money and oblidges himselfe to Compleat and finish the said worke by the Last of Aug^t next. And ordered that an ordinance be drawne up for th^t ppose.

The house adjournes till to-morrow morning 7 a Clock.

Dies Veneris May 16th 1701.

The house mett againe all called over present as Yesterday.

A Bill for more Speedy obtayning execucōns &c. read the 2^d time and will pass.

A Bill to encourage the Importing Coine, read the 2^d time and will pass.

On mocon of M^r Phillip Lynes it is ordered that M^r Benj^a Hall be added to the Comittee to inspect M^r Lynes acc^t &c.

Message by Thomas Tench Esq^r and Coll^o Addison was read viz :—

By his Ex^{cy} the Govern^r and Councill in Assembly
May 15th 1701.

Since by a paragraph of the Letter from the R^t honble the Lords Com^{rs} of Trade and plantacōns &c: of the 3^d of December last laid before you, you cannot but observe their friendly advice to us that we should appoint some quallified pson to be our agent in England there to Sollicite what publick business we shall desire to be successively dispatched, we are desirous to know what resolucon your house have thereupon.

Signed p Order. W Bladen Clk: Councill.

Original
Journal.

Which being here read and fully Considered. It is Resolved by the house that the further Consideracōn thereof be referred till the next Sessions of Assembly.

Message by Thomas Tench Esq^r and Coll^o Jno Addison relateing to the rangers was read, viz.

By his Ex^{cy} the Gov^r and Councill in Assembly
May 15th 1701.

Forasmuch as the affaires of the piscattaway Indians does not yett seem to have the wisht for Conclusion that is of their being come in and quietly settled among us. It is the opinion of this Board that the Rangers on the frontiers of potomack should be still kept out for the better assurance and Security of the Inhabitants there who have occasion to believe upon their being drawne of will be soe farr discouraged even to quitt some of the Extreemest Settements to our Dishon^r and encouragement of our ill neighbours the Indians who will rejoyce thereat.

Therefore we desire you will Considerately concert this matter viz: Whether they shalbe further continued or totally disbanded and Give us yo^r oppinions for the one or the other.

We further recommend to you by some act this Sessions to continue the Coun^{ll} for consulting w^t measures are to be taken for the Safety and defence of the province ag^t the invasions and incursions of the indians as formerly.

Signed p order
W Bladen Clk: Councill.

Which being here read and by the House fully debated, It is putt to the question whether the rangers shalbe continued or Disbanded. And Carried by majority of voices that the Rangers be utterly disbanded. And it is unanimously Resolved by the house that there be noe comittee to consult about the Indian affaires.

Message by Esq^{re} Tench and Coll^o Jno Addison relateing to a further impost of 3^d p hogshead to be laid on Tob^o &^c towards Defraying the publick Charge. Was alsoe read as foll.

By his Ex^{cy} the Gov^r and Councill in Assembly
May 5th 1701.

It being represented that the funds raised by the present Acts of Assembly now on foot are very inconsiderable towards defraying the necessary charges of this province, It is recommended to yo^r house that a further impost of 3^d p hh^d be

laid upon tobo: Exported as being the least burthensome to the poore and neecessitous people of the province and scarcely pcptable to those who are capable of Shipping tob: whereby the publick Charge of the province will be the Easier defrayed. Original Journal.

Signed p Order,
W Bladen Clk. Councill.

Which being read it is putt to the question wheither the 3^d p hh^d addiconall Duty be raised for defraying the publick charge or not.

Carried by majority of votes that an ad^l duty of 3^d p hh^d may be advanced towards paym^t of the public charge of the province.

And ordered that the Comittee of Laws prepare a bill for that purpose.

And ordered that an answer to the aforesd, Message be drawne up and sent to his Ex^{cy} and Councill for that purpose.

The house adjournes till 2 a Clock in the Afternoone.

Post Merediem. The house mett againe and were called over. p'sent as in the morning only M^r Jn^o Lowe sick.

The peticon of Maj^r W^m Barton Sher: of Prince Georges Co^{ty} for an allowance for imprisonm^t fees for a serv^t boy in his Custody read and ordered Maj^r Barton be called into the house. Who appeared and is Desired to Explaine his peticon which was received and is ordered to withdraw, and the peticon was againe read and Debated.

It is the opinion of this house that the Sher: be Satisfied for his imprison^t fees from the time that the said Serv^t boy was comitted untill his Mast^r disclaimed him.

But put to the question whether Prince Georges Co^{ty} shall pay the fees or the burthen thereof be bourne by the publick. Carried by the Majority of voices that Prince Georges County ought to make sattisfaction for the said imprisonment fees.

And it is resolved by the house that Prince Georges County pay the said fees to the Sherriff from the time he was legally committed to his Custody till the ma^r of the said Boy disclaimed him.

Coll^o Edward Loyd, M^r James Saunders M^r Jn^o Wight, M^r Wm. Parker, Cap^t John ffrancklyn M^r Jacob Lookerman, Maj^r James Smallwood sent up to his Ex^{cy} and Councill with the following bills, viz.

A Bill for Speedy obtayning executions &c.

A Bill to encourage the importacon of Coyne, and an Ordinance concerning Indian Lands.

Original
Journal.

They returne and say they Delivered the same.

An Answer to the Messages ordered this day to be prepared is now read as followeth.

By the house of Delegates May 16th 1701.

This house haveing taken into consideration the three Messages Yesterday by Thomas Tench and John Addison Esq^{rs} one relateing to an Agent to be appointed in England to Solicite &c. which was in this house read and debated.

It is resolved by the house that the further consideration thereof be referred to the next Sessions of Assembly.

2^{dly} Wherein his Ex^{cy} Desires this house will considerately concert whether the Rangers shall be continued or totally disbanded, And thereupon carryed by Majority of voices that the rangers be wholly Disbanded.

And likewise Resolved that there be noe more Comittee in the Vacancy of Assembly.

As to the other message of the same day relateing to an additional Duty of 3^d p hh^d &c: It is Resolved that a bill be prepared for advancem^t of an additional duty towards paym^t of the publick charge of the province.

Sent up to his Ex^{cy} and Councill by M^r Rob^t Bradley and M^r Thomas Hammond. They returne and say they have Delivered the same.

The Comittee of Elections and priviledges enters the house and reports as follows.

That they haveing Inspected into the Eleccōns of the severall Countys and Citty of S^t Maryes, viz

The Citty of S^t Maryes afs^d the County of Charles, the County of Baltimore, the County of Talbott, the County of Somersett, the County of Dorchester, the County of Prince Georges, the County of Cecill, the County of Kent the County of Ann Arundell and the County of Calvert, doe finde eleccōns for the Citty and the severall Counties afs^d to be due Elections and the p^{rs}ons to be fitt to sitt in the house of Assembly excepting M^r John Lecompt of Dorchester County who hath been already offerred to the consideracōn of the house.

After some debate in the house Concerning the matter referred to their Consideracōn it was resolved that M^r Jn^o Lecompt was duly returned as a Burgess for Dorchester County.

Upon reading the peticon of Maj^r W^m Barton for allowance of imprisonment fees of an Indian. It is Resolved that Prince Georges County make Satisfaction of the Sheriffs fees to the

s^d W^m Barton otherwise the Indian man soe imprisoned make Satisfaccon by Servitude to be adjudged by the Justice of the s^d County. Original Journal.

The honble Thomas Tench Esq^r Coll^o John Addison James ffrisby Esq^r and Coll^o Jn^o Hammond enter the house and Deliver the following Bills.

A Bill for Speedy obtaining Execution &c: Ordinance about Indian Lands } assented to by his Ex^{cy} the Gov^r and Councill.

And another Bill to incourage importeing of Coyne Likewise brought into the house with his Ex^{cy}s remarques thereupon.

Which being read the s^d bill is rejected.

A Bill for laying an imposicon of 3^d p hh^d upon Tob^o &c. Read the first time and ordered to be read againe to morrow morning.

Voted whether this act shall endure for two or three yeares. Carried by majority of votes that the same continue 3 yeares and to the end of the next Sessions of Assembly which shall happen after the end of the said 3 yeares

A Bill for preventing the abuses of horse Stealers &c. Read and referred to the Consideracōn of the next Sessions of Assembly.

An Act for naturallizacōn of Severall psons &c. Read and assented to by the house.

An Act investing Land in Dorothy Stevens.

An Act investing Land in S^t James parrish. All three engrossed and assented to by the house of Dellegates.

And Ordered that Maj^r W^m Dent and M^r Phill^o Loyd carry the same to his Ex^{cy} and Councill. They returne and say they have delivered them.

James ffrisby and Francis Ienkins Esq^{rs} from the hon^{ble} Councill enter the house and deliver the Speaker some Treatys made with the Indians, which was ordered to be read to morrow morning.

Coll^o John Hammond and Coll^o Francis Ienkins enter the house and deliver the following

Acts, assented to by his Ex^{cy} and Councill.

An Act for naturalizacōn of severall persons.

An Act Investing Land in Dorothy Stevens.

An Act Investing Land in S^t James pish

The Comittee appointed to inspect and state the publick acc^{ts} of M^r Phill: Lynes enter the house and report as follows.

That in obedience to an order of this house they have inspected into the Iournalls of the Comittee of Acco since the yeare of our Lord 1692, and doe find that all allowances have

Original
Journal.

been made him which was found to be justly due to him from the publick and that they finde M^r Phillip Lynes peticōn referred to the Assembly in June 1692 was Granted and he referred to each mans pticular account according to his peticōn and it is their oppinion that it is not the publick's due to pay.

To which report this house Generally concurs.

The peticōn of Iacob Reginer for removeing the publick powder out of his house purchased of Jos. Hill, was here read and considered.

This house conceives that Cap^t Rich^d Hill had formerly lett the house in the peticon mentioned to the Countrey for a publick Store, for powder till such time they were better provided.

Therefore resolved that the publick powder be still lodged there, till the Country shall be better provided with a more convenient place for that purpose.

The house adjournes till tomorrow morning seven a Clock.

Saturday May 17th 1701.

The house mett againe, being called over with all p^rsent as yesterday.

Read what was done yesterday

Bill for an addⁿ Duty of 3^d p^r hh^d &c: read the second time & will pass.

Bill for more Speedy obteyning Execucōns brought into the house engrossed. Assented to by the house Dell:

Proposed whether it be not necessary there be a comittee appoynted by a Law for assessing and taxing the publick levy this p^rsent yeare.

Resolved there be such a Comittee, and ordered that Thomas Brooke and John Hamond Esq^{rs} two of his Mat^{ys} Councill be added to such comittee and that the following Gen^t members of this house be appointed viz:

Tho^s Smithson Esq^{re} for Talbott County.

George Muschamp Esq^{re} for S^t Maryes Citty.

Major John Lowe for S^t Maryes County.

Major Thomas Smith for Kent County.

M^r James Saunders and M^r Sam^l Young for Ann Arundⁿ County,

Maj^r Walter Smith, for Calvert County.

Maj^r William Dent, for Charles County.

M^r John Hall, for Baltemore County

·Coll^o John Thompson for Cecill County.

M^r Thomas Greenfield for Prince Georges County.

Major Thomas Ennalls, for Dorchester County, and M^r John Bozman, for Somersett County.

And ordered that the Committee of Laws prepare a bill for that purpose. Original Journal.

Ordered by the house that John Debinter of Dorchester County for naturallizacon of himselfe and children pay the following fees.

To the Honble Speaker of the house of Dell.	4..	10..	0
To the Clerke W ^m Taylard for his fees.	1..	10..	0
And for Peter Scamperd to pay the honble Speaker the Sum of and to pay W ^m Taylard clk:	1..	00..	0

Ordinance for a powder house.

By the house of Delegates May 1701.

May it please your Ex^{cy}

Whereas it hath been thought necessary by this house that there be a convenient place provided for a publick Store for Powder &^c It is Resolved that a house be built for that purpose 15 foot long and ten foot wide, framed eight foot pitch to stand on cedar or Locust blocks one foot from the ground, the ground sills and sleepers to be of white oak, the floore to be well Layd with Inch pine plank nailed downe with twenty penny the rooffe covered with inch pine plank ciphred one inch or more well nailed on with 20^d nails to be well studded weather boarded and Gable ended with inch pine plank nailed on with 20^d nailes the holes between the plate and the rooffe to be filled up with brick and mortar. One substantiall Dore Groved in, hung with Iron hinges fitted & fixed well with a good Stock lock and key and the rooffe to be well covered with cypress Shingles on the plank all which this house have agreed to have well done strong and tite workmanlike by M^r Rich^d Beard for twenty pounds in money who have obliged himselfe to performe the Same worke wth the blessing of God, by the Last of August next: If your Ex^{cy} shall please to concur therewith.

Signed p order, W Taylard Clk: house Delegates.

Which being here read and sent up to his Ex^{cy} the Gov^r and Councill by M^r Sam^l Young Coll^o W^m Holland, M^r John Hall, M^r Philip Lynes, M^r John Lecompt and M^r Thomas Hamond together with the last mentioned bills.

The Returne and Say they delivered the Same.

Upon mocōn made to the house p^r M^r W^m Bladen, It is ordered by the house that M^r Samuell Young publick Treasurer for the the Western Shore Supplye M^r William Bladen

Original with Bills of Exchange for thirty pounds sterl. by him to be
Journal. made use of the Sayd W^m Bladen to be accomptable to the
Country for soe much.

Bill empowering a Comittee to Assess and apportion the
public Levy this psent yeare &c: read the first and second
time & will pass.

James ffrisby and Robert Smith Esq^{rs} enter the house and
Deliver the Hon^{ble} Speaker the following Bills and ordinances.

Bill for impost of 3^d p hh^d addⁿ Duty, Endorsed May 17th
1701.

Read and will pass with these amendments.

The duty to be raised and paid to his Maty: and appro-
pyrated towards the Defraying the publick Charge of this
province.

Comitted for amendment.

Signed p order
W Bladen Cll: Councill.

The Bill for more Speedy obtaineing Execucōns brought
Into the house endorsed. Assented to by his Ex^{cy} and
Councill.

W. Bladen Cll: Councill.

And the ordinance for building the powder house, En-
dorsed Viz:

By his Ex^{cy} the Gov^r and Councill in
Assembly May 17th 1701.

It is thought that the roome proposed for the powder will
be too Little soe that there will not be roome to turne the
powder.

Therefore recomended to the house that it be twenty foot
long and fifteen foot wide and over jetted one foot on each
side.

Signed p order W Bladen Clk: Councill.

Bill for impost of 3^d p hh^d addⁿ duty &c: read againe with
the amend^{ts} desired and sent up to his Ex^{cy} and Councill by
Maj. W^m Dent and Maj^r Jacob Lookerman.

Upon mocōn made to the house by the publick Treasurer
on the Western Shoare, It is ordered by the house that M^r
Sam^l Young have full power to collect and receive all the
publick dues in tobacco being due in arreares for officers
mulkts on the Western Shore the sayd Young to be accompt-
able to the house for what he shall receive at the rate six
shillings p Cent.

And the said M^r Young is desired to make a returne of what Insolvent mulkts he shall find in the aforegoing arrears to the next sessions of Assembly soe that this house may further doe therein as shalbe thought Convenient. Original Journal.

M^r Rich^d Beard being called in, he appeares and being demanded whether he would hold to his agreement for building the powder roome according to the former proposalls made by his Ex^{cy} and Councill and to raise the roome 2 foot from the ground on Good blocks or posts, he readily concurs therewith soe that the further consideracōn thereof be referred to the next Sessions of Assembly. It is assented to.

The petition of M^{rs} Mary Vansweareingen for an allowance for arrears of ordinary expenses due to her from the publick was here read and rejected.

Bill for impost of 3^d p hh^d &c. againe read with the Amendment. And Resolved by the house that it continue but two yeares and to the end of the next Sessions of Assembly after the sayd two yeares.

Which was sent up to his Ex^{cy} and Councill by Maj^r W^m Dent and Coll^o Tho^s Ennalls. They returne and say they delivered the same.

The house adjournes till two a Clock in the afternoone.

Post Merediem the house mett againe and being called over, were all present as in the morning.

Tho^s Brooke Esq^r and Coll: John Hamond enter the house and Deliver M^r Speaker the Bill for addⁿ duty of 3^d p hh^d. Assented to by his Ex^{cy} and Councill and ordered to be engrossed.

The peticōn of Edw^d Laddemore recomended this house from his Ex^{cy} and Councill together with a Bill for Divorcem^t therewith sent was in this house read.

And having considered the same that forasmuch as the prayer of the petitioner is of soe high a nature that this house doe not think fitt to pass the bill this Sessions. But have resolved that if the pet^r will appeare here the next Sessions of Assembly and bring with him such witnesses or other evidences sufficient to prove the Elopem^t &c then this house will take it into further consideracōn.

And ordered that the pet^r give notice to Elizabeth the wife in the peticōn mentioned that she likewise then appeare here to make her defence if to her it shall seem meete.

M^r James Smallwood having shewed his vrgent affaires Calling him home humbly prayed Liberty of the house to depart. It being granted he takes his leave and Departs the house.

Original
Journal.

The Committee appoynted to Examine the printed Laws by the originalls enter the house and their report being read, M^r Bladen is ordered to be sent for. He enters the house and M^r Speaker haveing acquainted him of the many Erata's Comitted in printing the body of Laws. Therefore it was required by the house th^t he cause the Erata's to be fourthwith printed and sent into the severall Countys. To which he readily concurred and promised to gett the same forthwith printed and sent out and the further Consideration is referred till the next Sessions of Assembly.

The Erata's found out by the said Committee appoynted for that purpose was delivered to M^r Bladen and is ordered to withdraw.

Bill for laying impost of 3^d p hh^d &c: Engrossed sent up to his Ex^{cy} and Councill by Maj^r Edw^d Dorsey and M^r Richard Tilghman with a message relateing to Laddemores petition &c.

They returne and say they delivered the same.

The Hon^{ble} James ffrisby and Robert Smith Esq^{rs} enter the house and deliver the Honble Speaker the bill for Impost of 3^d p hh^d &c. assented to by his Ex^{cy} and Councill in Assembly.

The Committee appointed for Stateing and examining the publick Accounts enter the house and deliver a Journall of their proceedings. Which being read was assented to by the house of Dellegates and was sent up to his Ex^{cy} and Councill by Maj^r Thomas Smith and other the Gen^t of that Committee.

They returne and say they Delivered the same.

The honble Tho^s Tench Esq^r enters the house and Delivers M^r Speaker the bill for apportioning the publick leavy, Assented to by his Ex^{cy} and Councill &c:

Ordinance for building the prison as foll^o

By the house of Dell. May 17th 1701.

Resolved that M^r W^m Bladen by all convenient Speed build and finish a prison after the same Dimensions as proposed at an Assembly the 19th of Iuly 1699, to be well and substantially built and finished on some Lott in the Towne of Annapolis as his Ex^{cy} the Gov^r shall please to direct and to be paid for the same when finished two hundred and forty pounds Current money out of the publick stock of this province if his Ex^{cy} and Councill shall please to concurr therewith. And it is ordered that M^r Sam^l Young and M^r James Saunders and M^r John Dorsey be appointed to oversee and direct the building of the said prison according to the former afsd dimentions agreed upon.

Signed p order,
W Taylard Clk: house Dell.

Which was sent up to his Ex^{cy} and Council for Concurrence by Coll^o John Thompson and Coll^o W^m Holland. Original Journal.

They Returne and say they delivered the same.

The Hon^{ble} Robert Smith Esq. enters the house and returns the Journall of Accounts assented to by his Ex^{cy} and Council and the ordinance for building the prison which ordinance was thus endorsed, viz:

May 17th 1701. By his Ex^{cy} the Gov^r and Council.

This proposall is agreed too, but that the placing the prison be by the Directions of the Gen^t appointed overseers of the worke.

Signed p order W Bladen Clk: Council.

To tne Honble the house of Delegates.

The humble peticōn of Dinah Deavaver als, Nouland Sheweth.

That whereas her late husband had Lycense Granted for keeping an ord^{ry} at the ferry house on the N^o side Seavern river out of the towne of Annapolis and the limitts thereof but forasmuch as the Honble Tho^s Lawrence Esq^r late Sec^{ry} of this province insisted upon 2000 lb tob^o p annum for the same as other Ordinarys within the towne alltho' not yett determined by Law

Your pet^r therefore humbly prays yo^r Hon^{rs} opinion therein and that the same may be determined by this Hon^{ble} house, whether such Ord^{rys} shall be under the same penalltyes as the Ord^{rys} in Annapolis or those proscribed in the Law th^t keep Ord^{rys} in the Co^{ty} and she shall pray &c.

Which was here read and considered.

And being carefully debated its the oppinion of the house that such persons that keep Ord^{rys} at the ferry house on the North side of Seavern be and is deemed as a Co^{ty} Ord^{ry} and is Lyable to pay noe more then 400^{ll} Tob. p An^m and to Complye with the Act for regulateing Ord^{rys} &^c relateing thereunto.

Resolved that the Treasurer of the Western Shore pay the Rangers and that his Ex^{cy} be desired to draw upon the Treasurer for paym^t thereof according to allowance.

Major W^m Dent sent to his Ex^{cy} and Council to acquaint them that this house has nothing before them soe that they are ready to attend his Ex^{cy} when he shall please to comand them.

He returnes and says that his Ex^{cy} is ready to receive them in the Council Chamber.

Original
Journal. Thereupon M^r Speaker and the whole house with the clerke attend his Ex^{cy} and his Ma^{ty}s honble Councill in the Councill Chamber.

M^r Speaker presented his Ex^{cy} the severall bills made this sessions to which his Ex^{cy} was pleased to give his assent and endorsed them with these woords viz:

May 17th 1701.

On behalfe of his most sacred Maj^{ty} King William the third by the Grace of God of England, Scotland, ffrance and Ireland &c:

I will these to be Laws.

N. Blakiston.

May 17th 1701.

Which being done his Excellency was pleased to Seale the same with the Broad Seale of this province which Lawes being soe signed and sealed his Ex^{cy} was pleased to acquaint this house that he thought it Convenient for his Majestys service to Prorogue them untill the first day of Iuly next and that they were thereby accordingly prorogued.

And soe ended this Sessions of Assembly.

W. Taylard Clk. of the house of Delegates.

ACTS

Maryland ss:

Att a Sessions of Assembly begun and held at the Town and Port of Annapolis the Eighth Day of May and Ended the 17th in the thirteenth yeare of the Reigne of our Sōvn Lord King William the third of England &c^a Anno Dni Seventeen hundred and one his Excy Nathaniel Blakiston Esq^r being Governour were Enacted these following Laws viz :

Lib. L. L.
No. 2.
p. 419

An Act for more Speedy obtaining Execution against psons flying out of the County where Judgment is recovered against them

Whereas many psons Convict of Debt in the severall County Courts of this Province to avoid being taken in Execution to Satisfy him that recovered the said Debt frequently fly out of the Jurisdiction of the Court where he was Convict into the Jurisdiction of some other County Court whereby Execution is delayed and that no other way hath hitherto been provided for the Recoverys remedy but by laying before the Justices of the Provincial Court a Copy of the proceedings and thereupon having a Writt of Execution awarded out of the Provincial Court which sitting but twice in a year afford not Remedy so often as occasion requires for Redress whereof

Be it enacted by the Kings most excellent Majesty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That for more Speedy Remedy in such Cases when the person Convict aforesaid flys out of the Jurisdiction of one County Court into the Jurisdiction of another that the Recoverer shall procure a Copy of such Judgment aforesaid & a bill of Cost of such suit and a Certificate under the hand of the Clerk of such County with the Seale of the County where the Judgment was obtained thereunto affix'd testifying that Execution hath not been done and shall lay the same in open Court before the Justices of such County Court in whose Jurisdiction the person so Convict as af^d is found And the Justices of such County Court shall Cause the same to be entred on the Records of such said County Courts & shall have lawfull Authority to award Execution by fieri facias Cap. ad Satisfaciendum or to grant an Attachment and that without any Scire facias sued for the Debt & Costs & for other Costs accrew'd in that Court where Exe-

p. 420

Lib. L. L. cution is so awarded to be limited & taxed by the Justices of
No. 2. the said Court any Custom or Usage to the Contrary notwithstanding.

Provided always that if any person dwelling in one County be sued in another in such Cases a Scire facias shall be sued as formerly This Act to endure for three years or to the end of the next Session of Assembly which shall happen after three years and no longer

An Act for laying an Imposition for three pence per hogshhead on Tobacco for defraying the Publiq Charge of the Province

Be it enacted by the King most excellent Majesty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That from and after the tenth day of October next a Duty or Imposition of three pence for every Hogshead of Tobacco and the like duty of three pence for every four hundred pounds of tobacco contain'd in Chest box or Case on all Tobacco that shall be exported Out of this Province by land or Water be raised leavyed & payd to his Majesty by all Masters of Shippes or other Vessells trading into this Province in ready mony or bills of Exchange at the Election of such Masters of Shippes or Vessells and to be Collected by the Navall Officer of the Port or District where such Shippes and Vessells shall Clear and the said Officer shall Account for the said Imposition of three pence p hogshhead and the three pence for every hundred pounds of tobacco contain'd as above after the same Manner as for the Imposition on Negros &c Sayd by a former Act of Assembly of this province.

p. 421 And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that the said Imposition of three pence p hogshhead and three pence for every four hundred pounds of tobacco Contain'd as af^d shall be appropriated by the Generall Assembly of this Province towards the paying of the publiq Charge thereof & to no other use whatsoever

And be it further Enacted and declared by the Authority aforesaid by and with the Advice and Consent aforesaid that if any tobacco should by any Casuall means be lost after the Imposition payd that then in all such Cases the Owner or ffreighter of all such Tobacco shall have free liberty ffreight and Shipp on the like Quantity again without paying the said Imposition. This Act to endure for two years and to the end of the next Sessions of Assembly after the end of the said two years

An Act Impowering a Comittee to lay Assess & apportion the publiq Levy for this present year Seventeen hundred and one. Lib. L. L.
No. 2.

Whereas this present Generrale Assembly have for the Defraying the Publiq Charges of this Province to this Seventeenth day of May Seventeen hundred and one raised a Certain Summe of Tobacco and mony amounting to the Summe of one hundred ninety five thousand four hundred eighty one pounds of tobacco and two hundred forty eight pounds Seventeen shillings and four pence currant mony but by reason more publiq Charges may arise and grow due before the usuall and accustomed time of payment which is the tenth day of October yearly at which time again to call and Convene the whole Assembly for that occasion only considering the great Number of them and the remoteness of their Habitations from the place appointed would be very Chargeable and troublesome to the whole Province in generall for prevention whereof—

Be it enacted by the Kings most excellent Majesty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same that our Burgess or Delegate out of every County and one out of the City of Saint Marys be and are hereby authorized and appoynted a Comittee to Joyn with some of his Majestys Councill to lay and p. 422 equally Assess the said publiq Levy of this Province viz. Of his Majestys honourable Councill Robert Smith Esq^r and Col^l John Hamond & of the house of Delegates Col^l Thomas Smithson for Talbot County George Muschamp Esq^r for Saint Marys City Col^l Henry Low for Saint Marys County Major Thomas Smith for Kent County M^r James Sanders and M^r Samuel Young for Ann Arundell County Major Walter Smith for Calvert County Major W^m Dent for Charles County M^r John Hall for Baltemore County Col^l John Thomas for Cecill County M^r Thomas Greenfield for Prince Georges Co^{ty} Major Thomas Ennalls for Dorchester County and M^r John Bozman for Somerset County or the Major part of them be and appear at the Town of Annapolis on the tenth day of October next then and there to lay and assess the said Publiq Levy already raised and also to allow levy & Assess what further Charges may Accrew which to them shall justly appear to be due from the publiq not exceeding Sixty thousand pounds of tobacco more than what is already raised and likewise to apportion order and pay out of the Publiq treasury of this Province the Summe of three hundred pounds Currant mony of this Province to the severall persons to whom the same shall be due as by the Journall of the Comittee of Accounts

Lib. L. L. appears and a fair Journall of all their proceedings to be
No. 2. delivered to the Clerk of the Assembly for Satisfaction of all
persons therewith concern'd.

And if it shall happen that his Ex^{ncy} shall please to Convene an Assembly before the tenth day of October aforesaid then this present Act and all and every Clause therein contained shall be voyd and of noe fforce.

An Act investing a tract of Land in Dorothy Stephens sold her by Symon Willmer to her & her heires for ever.

An Act investing in the Vestry of Saint James's Parish in Ann Arundell County Certain lands given to the said Parish by M^r James Rigbie & Elizabeth his wife both deceased.

p. 423 An Act for Naturalization of Peter Scamper of Prince Georges County John Debruler of Baltemore County & John Debruler & William Debruler his Sons together with the other sons and Daughters of the said Debruler the ffather born within this Province.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND.

*At a Session held at Annapolis, March 16, 1701/2
to March 25, 1702.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

NATHANIEL BLAKISTON,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss^t

At a Council held in Assembly on Monday the 16th day of March in the fourteenth year of the Reign of our Sovereign Lord King William the Third of England &c. Annoq Dñi.

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Journal.
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1701/2

Present

His Excellency the Governour

{ Col John Addison } Lieut^t Col Will^m Holland } of his Maj-
{ Tho^s Brooke Esq^r } James Saunders Esq^r } esty's honour-
{ Col Edw^d Lloyd } } able Council.

His Excellency is pleased to communicate to the Council what he intends to recommend to the House of Delegates upon the opening of this Sessions which by them was thought very proper.

Ordered that the Clerk of the Council acquaint the Members of the House that altho they are met very late this night yet if they think it may any wise Contribute to the Expediting the Business of this Sessions His Excell^{cy} would have them attend him in Council where he is ready to receive them

p. 189

Came M^r Speaker and the Members of the House to whom his Excellency was pleased to say

Gentlemen

I have never convened you oftner than the immediate Affairs of the Province have required, and that not more than once a year;

Neither should I have called you now so early in the Spring but that some Concerns of Moment require your Concurrence

The Law for Establishing religious worship in this Province according to the Church of England which you made last & sent home is now returned by his Majesty for your Assent, You'll find the Alterations, that are made but very little, and that such Visible Amendments to our Advantage being corrected by so wise an Hand. We ought to be proud of the pattern in confirming it. If I mistake not your Journalls of Assembly will make it appear that this Way was humbly requested by yourselves in an Address to his Majesty that he would be pleased to order it to be drawn as he should judge fit and to be remitted to you for your Concurrence, and therefore since this Law was so unanimously made by you I have

Original Journal, p. 190 not the least doubt that any crafty Inclinations will abate your good Intentions in confirming so glorious and good an Act; But that you will chearfully Join in putting it on that foot His Majesty has been graciously pleased to give us an handle to do. That for the future it may not be within the reach of our opponents to shock it again, tho their Efforts have proved feeble hitherto yet you ought not to trust any longer, but Endeavour to plant it firm to your Posterity which will be a most lasting Testimonie of your virtues

I am directed by his Majesty to communicate to you his Letter of the 19th of January 1700 in which his Majesty has thought it necessary for your Safetys that you give a Supply of Six hund^d p^{ds} Sterl towards the building a Fortification in the Government of New York as also a quota of Men if occasion should be I need not Enforce this his Majestys Commands to you with any better Arguments than that he is pleased to signify in his Letter that your Compliance in this will entitle you to his Royal Grace and favour

I have been some years among you and you have always found me Strictly Just to you wherefore if I have any Credit with you, It is my real opinion you cannot be kinder to yourselves than in Shewing your ready Compliance with his Majesty's Letter; for his Regards to this Province have been very particular, and he is now about giving us a further Testimony of it by taking us into his more immediate Protection by Act of Parliament; As for the Danger of the common Enemy, that seems to threaten us, Providence has been very liberal in blessing us with a Prince that will vigorously in his own Person defend us, & not appear at the Head of his Army by Proxy as most other Princes do

p. 191 Gentlemen

I have now been three years among you and must with great Satisfaction own the good Concord we have had, and if I have at any Time departed from that Justice, Honour, and Integrity incumbent on me Pray upbraid me with it that I may avoid it for the future; for I have Examined my self and am not in the least Conscious that I ever have been wanting in my constant Endeavours of an unbyassed Pursuit of the true Interest of his Majesty and the Inhabit^{ts} of this Province; what other things I hold myself enjoyned to Consult you in shall be done by way of Message as is usual.

M^r Speaker and the Members of the House took Leave and departed

The Board adjourned till 8 of the Clock to Morrow morning

Tuesday March 17th 1701

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Journal.

Present

His Excellency the Governour

Col John Addison	}	Col Edw ^d Lloyd	}
Thomas Brooke Esq ^r		Lieut ^t Col Will ^m Holland	
Col John Courts		James Saunders Esq ^r	

His Excellency lays before the Board the Right honble the Lords of Plantations & Trade their Letter relating to the Law for Religion dated June 17th 1701 which was read with the s^d proposed Law

Also his Majesty's Letter to his Excellency requiring this Province to contribute a Quota of Men and Mony to the Defence of the Frontiers of New York

Whereupon the said Law and Letter with the following p. 192
Message be sent to the House by all the Gentⁿ of the Council Present

By his Excellency the Governour and Council
in Assembly March the 17th 1701

Gentlemen

The Law prepared for Establishm^t of religious Worship in this Province returned from his most Sacred Majesty with the right honble the Lds Comm^{rs} of Trade and Plantations Letter therewith as also his Majesty's Letter requiring your Contribution to the defence of the Frontiers of his Province of New York by a Quota of Men and money which his Excellency recommended to you in what he was pleased to Say last night upon your coming up are now sent down to you for your Consideration and your Concurrence & Resolutions thereon are desired with as much Speed as conveniently may be

Signed p order W Bladen Cl Counl

Came Major Dent and Lieut^t Col Thomas Smith from the House, and Major Dent Says the House have received his Excellency's Message and as to the latter Part thereof desiring their Concurrence and Resolutions with as much Speed as conveniently may be They humbly acquaint his Excellency that at present they cannot proceed thereon for that the Burgesses of two Countys are wholly wanting and other Burgesses from Several other Countys.

Came Col John Hammond and was added to the Board.

It being Enquired into by his Excell^{cy} and the Board p. 193
whither all the Military Officers within this Province have taken the oaths appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy.

Original
Journal.

And it being found upon Enquiry that the Officers of the Militia in Ann Arundel County had not yet taken the said Oaths nor that they had ever been proposed to them

Ordered that the Commanders in chief in every County within this Province being Justices of the Peace tender the said oaths to the officers of the Militia under their Command, and return to his Excellency An Account of their Proceedings thereon

His Excellency acquaints the Board that for the Credit of the Country and that we may be the more capable of Expressing our Duty and Affection to his Majesty on his Birth day Coronation Day &c and otherwise of Saluting any Ships or Strangers that may Come to this Port he had procured fourteen Guns and caused them to be mounted on the State house hill which was very well approved of to be creditable & Necessary

The Board adjourned for 2 hours

Post Meridiem

The Councill again Sat present as in the morning.

Came Major Dent and Mr Philemon Lloyd from the house & bring the Petition of John Needles Elizabeth his Wife; John Sherwood and Lucy his Wife, and Mary Mann Spinster, Praying an Act for the Confirmation of a certain deficient Testam^t of Edw^d Mann late of Talbot Co^{ty} Gent. dec^d (Father of the s^d Elizth Lucy & Mary) with the Report of the Committee of Laws thereupon Which being read was well approved of

p. 194 His Excell^{cy} & the Council are willing a Bill should be brought in to confirm the s^d deficient Testament as prayed for
The Board adjourned till 8 of the Clock to morrow morning

Wednesday March the 18th 1701

The Council in Assembly Sate Present as yesterday

Ordered that the following Message be sent to the House.

By his Excellency the Governour and Council in
Assembly March the 18th 1701

Herewith is sent you the right honourable the Lords Commissioners of Trade & Plantations Letter to his Excellency the Governour of the 22^d of July last requiring his Excellency to get the best Information he can relating to the Conduct of the Proprietary Governours & Governments upon

the Several Heads of observations in the said Letter inclosed and upon such other Heads as may be proper to give a true Light in the State of the Plantations more especially in relation to this Province and thereupon you are directed in Compliance to the said Letter from their Lordships to represent what you know or have heard either in Respect of this Province whilst under the Proprietary Governm^t or otherwise of Pensilvania and the Jerseys according to their Ldships Desire

Original
Journal.

And inasmuch as it has been offered at this Board that some Gentlemen of known Probity now in your House reported that they are sensible the 14^d p Tunn formerly and yet taken by and paid to the Lord Baltimore as Port Dutys was intended and given for the maintenance of Forts and Defence of this Province and was Originally Stiled and Called Fort Dutys & not Port Dutys but by some Sinister means contrary to the Intent of the Assembly that gave it was altered and changed into Port Dutys. Therefore we desire you will enquire into this matter and Endeavour to get the best Information and Satisfaction you can therein the said Revenue of 14^d p Ton being now of great Emolument and in case that it be made appear to be misapplyed (that is Contrary to the Intent it was raised) Proper means may be used to regain that advantage to the Province

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Signed p order W Bladen Cl Counl

Sent by Col Hammond & Col Lloyd.

Read the Petition of the Inhabitants of Patuxent and Colington Hundreds in Prince George's County praying that St Paul's Parish in that County may be divided into two Parishes; yet this Board (although the Taxables in the said Parish are daily increasing) not thinking it will be Sufficient to maintain two ministers do think it not convenient to make such Division at Present till by the further Increase of the Taxables in that Parish each moiety thereof may be able to support a minister which may be then Supplied to them

Came M^r Lloyd & M^r Muschamp from the House and bring the following answer to the last Message but as to that Part relating to the Proprietary Government the House desire further Time to give their answer thereto

By the House of Delegates
March the 18th 1701.

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This House having taken into Consideration the message this Day sent by Col John Hammond and Col Edw^d Lloyd together with the Lords Commissioners of Trade and Planta-

Original Journal. tions Letter and the observations thereon being here read it is by the House answered as followeth viz—

As to the first and second observations

Wherein it is said they assume to themselves a Power to make Laws &c & such Laws as they Enact they refuse to send home
This House say they know no such Thing

Relating to Appeals &c

It is acknowledged by this House that in the Time of the Proprietary Government here Appeals for England have been denied

As to Pyrates and illegal Traders &c.

This House say they never knew of any to be harboured or favoured within this Province

As to raising and Lowering Coin &c.

This House saith that Pensilvania hath opportunity under a Proprietary Govern^t of advancing their Coin which hath been found very Prejudicial to this Province, but for drawing away servants and the People harbouring Fugitives this House know not any such Thing done by any publick Countenance or Authority.

Lastly. The articles for not putting themselves in a State of Defence. This House say they find themselves in a very good State & Condition. But as to their neighbouring Colonies this House say nothing

Signed p order W Taylard Cl ho. Deleg^s

p. 197 Read the Report of Col Courts Major Dent & Cap^t Benjamin Hall who were impowered to call the Vestry of King and Queen Parish in S^t Mary's & Charles Countys to account for the 40^{lb} of Tobacco p Poll raised in that Parish since the year 1692 as also M^r Robert Masons and Cap^t John Bayns Executrices Col Lowe Col Cood and M^r Gerrard Fowlks late Sheriffs of the said Countys.

Whereupon Ordered that the Sheriffs of S^t Marys and Charles Countys M^{rs} Anne Bayne Executrix of Cap^t John Bayne late Sheriff of Charles County M^{rs} Susannah Mason Executrix of M^r Robert Mason late Sheriff of S^t Mary's County Col John Cood, Col Henry Lowe and the Vestry of the said Parish to appear before his Excellency the Governour and Councill to render an Account of the 40^{lb} of Tob^o p poll.

Read the Petition of John Wathen complaining that the said Vestry refused & delayed to pay him according to Agreement for his work done to the church at Newport.

Ordered that the said John Wathen have notice to attend his Excellency in Council at the Time when the said Vestry are to appear before his Excellency and the Council. Original Journal.

The Board adjourned till 8 of the clock to morrow morning.

Thursday March the 19th 1701

The Council in Assembly Sate Present as yesterday

Several Complaints being made to his Excellency the Governour of the great damages Several commanders of Ships (especially Cap^t Edw^d Brisco Commander of the Betty Gally) have sustained by their Saylor's being entertained by the ordinary Keepers at South River And this being Considered to be a growing Evil Resolved that the following Proposal for Redress thereof be sent to the Lower House for their Assent and Concurrence in ordering the same. p. 198

By his Excellency the Governour & Council in Assembly
March the 19th 1701

Whereas in the late Act for regulating Ordinarys there was a Good and Beneficial Clause Enacting that no ordinary Keeper whatsoever within this Province should credit any Sailor belonging to any Merchant Ship or other Vessel trading within this Province for more than the value of twenty shill curr^t mony during their stay here for the Time of one voyage, which said Clause is now omitted in the present Law for regulating the said Ordinarys from harbouring and Entertaining such Saylor's to the great Prejudice of the owners & Masters of Vessels to whom such Sailors belong who generally neglect and delay to perform their Dutys and obey the Lawful Commands of their Masters to the great Disservice of his Majesty and Prejudice of Trade within this Province preventing and impeding the dispatch thereof. And very often such Sailors have spent their Wages in such Ordinarys occasioning and inducing them to runaway and desert the Vessels whereto they belong.

It is proposed that it be ordained, And be it ordained by his Majesty's honble Council and the Delegates of this present General Assembly that no Ordinary Keeper whatsoever within this Province to presume to Harbour or Entertain such Saylor to the neglect of their Service to their respective Commanders and Prejudice of the Dispatch of any Ship or Vessel thereby under the Pain and Penalty of being Suspended from keeping Ordinarys and that no Ordinary Keeper whatsoever shall credit such Sailor for more than five shill during one voyage

Original under the Penalty of losing his Debt and being fined to our
Journal. Lord the King five p^{ds} Sterl. Whereof one half to the Informer
and the other half to the Vestry of Such Parish where such
ordinary is kept.

Signed p order W Bladen Cl Counl

Sent to the House by Col Lloyd and M^r Brooke together
with a Bill read at this Board for the Naturalization of Her-
manns Schee and others

Then came M^r Lloyd and M^r Muschamp with the following
answer from the House to the Message sent yesterday about
the 14^d p Ton

Viz. March the 19th 1701

By the House of Delegates

May it Please your Excellency

In answer to the latter Part of Excellencys Message by Col
Hammond and Col Lloyd relating to the 14^d p Ton This
House have made Strict Search and Enquiry into the Original
Laws and some Journals of Assembly for discovery of the
same and what discovery is made relating thereto. This
House recommends to your Excellency for Perusal of such
matters as appear with direction to the Gentlemen by whom
p. 200 this comes to produce and shew the particular Law and Min-
utes thereof with some Remarks thereupon since and if your
Excellency please to command any Members of the House
that may give any further Light therein they shall be ready to
attend your Excellency when your Excellency shall see con-
venient

Signed p order W Taylard Cl Ho. Del

The said M^r Lloyd and M^r Muschamp leave a Transcript of
an old Book of Laws made Anno Domini wherein is a Law
stiled an Act for Port Dutys and Masters of Ships which is as
followeth

Be it Enacted by the Lord Proprietary with the Assent of
the Upper and Lower Houses of this present General Assem-
bly that all Vessels whatsoever not properly belonging to this
Province having a deck flush fore and Aft coming in and
Trading within the Province shall pay for Port Dutys or An-
chorage half a Pound of Powder and three Pounds of Shot or
so much in Value for every Ton of Burthen to the Lord Pro-
prietary and his Heirs

And be it further Enacted that all masters of Ships and
Other Vessels as af^d coming into the Province to trade shall
give Bond of three thous^d pounds of Tob^o within ten days

after their arrival within the Province to the Governour or other Officer appointed by him or some Justice of Peace of complying and observing all Acts and orders of the Province during their Stay and Being in the Province

Original
Journal.

And be it further Enacted by the Authority afs^d that all Masters or chief commanders of Ships or other lesser Vessels trading or being in this Province that shall presume or attempt to punish any Inhabitant of this Province either by striking or trying to the Capstone or by any other way whatsoever inflicting or attempting to inflict any Punishment within or upon their said Ships or Vessels on any Inhabitant as af^d contrary to the Peace of the Lord Proprietary of this Province shall forfeit and pay four thous^d Pounds of Tob^o the one half to the Lord Proprietary and the other half to the Party grieved

p. 201

The Lower House have assented
W^m Bretton Clk

The Upper House have assented
Jn^o Gittings Clk

The said Gentlemen also produced a Journal of the Council in Assembly held at St Marys the 10th day of May 1692 in his Excellency Governour Copleys time wherein is among other things contained viz^t

As to the 14^d p Tunn this House have fully searched and Examined into the true cause of the making of that Act & though the Journals of that Assembly as well as the original Law is either lost or designedly made away by the late Government yet many Persons having and some of this Assembly do remember & say that the same was for building of Forts and finding of Powder & Shot for the Country's use, and further that that Duty ever was and still is by the Inhabitants called Fort Dutys and not Port Dutys as it is now termed in the said Act upon which Evidence and Perusal of the Law and fully debating the same this House do unanimously debate that the said 14^d p Ton doth of Right and according to the Intentions of the makers of that Law belong to the Crown and humbly desire their Majesty's Royal assent to an Act to invest the same in their Majesty's and Successours for ever it seeming very unequal to them that the Crown of England should be at that Charge of building of Forts which is absolutely Necessary for securing Ships in Time of War and their Majesty's Dutys in both Times of Peace and War and the Lord Baltimore receive the mony given by his Ma:ty's Subjects for that End and Purpose But more especially when we con-

Original Journal. sider the great Revenue his Majesty's Clemency has still allowed afforded his Lordships out of this Province and how little it Cost him and his Father in Seating the same

It being chiefly peopled at first by impeopling their Majesty's Colony of Virginia invited in hither with their Familys & Estates by a Snare, fertile Soil and the specious Pretence of Liberty of Conscience

His Excellency acquaints the Board that there were two Runaway Servants belonging to one M^r Tellett & M^r Syncock Inhabitants in his Majesty's Colony of Virginia committed to the Custody of M^r John Carville Sheriff of S^t Mary's County whereof one escaped from said M^r Carvill by his negligence and the other he had compelled to work whilst in his Custody

The said M^r Carvill being called in alledged that he had no great Service from the Serv^t that was now in his Custody he having had an Ague for a long Time

p. 203 Whereupon this Board being desirous to approve themselves good Neighbours to the Colony of Virginia in Shewing their readiness to do them Justice upon any application do not think it reasonable the Said Sheriff Should have 20 lb Tob^o p Diem for the Confinement of M^r Telletts Servant in respect he employed him great Part of the time in his own Service

Whereupon the said M^r Carvill Submitting himself to the determination of his Excell^{cy} and this Board they do think that the Sum of 100 lb. Tobacco is Sufficient to Satisfy the said M^r Carvill for his securing M^r Tellett's Servant.

As for M^r Sincock's he being escaped this board at present do not think fitt to intermeddle therewith.

Came M^r Benjamin Hall and M^r Philemon Loyd and M^r Eccleston from the House and bring up

A Bill for the relief of Kent and Calvert Countys also A Bill confirming a certain writing to be the last Will and Testament of Edw^d Mann late of Talbott County gent. deceased which said Bills were read the first Time

p. 204 His Excellency acquaints the Board that the Betty Galley now under the Command of Cap^t Briscoe laden with Tob^o & bound for England is but very weakly manned and thereby disabled from prosecuting their Voyage being but ten in number. Advised that his Excellency do order Cap^t Nathaniel Bostock commander of his Majesty's Advice Boat Eagle to Supply the said Cap^t Briscoe with two good able Sailors from on Board his Majesty's said Advice Boat and that he press two other men in their Stead where they may be best Spared

The Board adjourned 'till 8 of the Clock to morrow Morning

Fryday March 20th 1701/2

Original
Journal.

The Council in Assembly Sate Present as yesterday

It be represented on behalf of the Vestry of St James's Parish in Ann Arundel County, that Whereas M^r Henry Hall the present Incumbent upon his being appointed to the said Parish had by the said Vestry paid unto him a considerable Sum of Tob^o of the 40^{lb} p poll which had been raised before his Appointment to the s^d Parish he promising to refund the same in Case the Governour and Council should adjudge the same not to belong to him

And this Board being of opinion that all Tob^o raised by the 40^{lb} p Poll whilst no incumbent in the Parish and lodged in the Vestry's Hands is not the right of any minister who are only by Law entituled to that part of the 40 lb p Poll proportionable to such Time they shall officiate in their respective Parishes, and that such Tob^o ought to be applied by the Vestry for the use of the Parish

Ordered therefore that the said M^r Hall refund the Tob^o so by him received to the Vestry of the said Parish by them to be applied as aforesaid

Read the Petition of M^r Tho^s Reynolds Sheriffe of Ann Arundel County and of Several other Sheriffs with their Reasons therewith. Offered for their longer continuance in their Offices than three years now by Law limited which is well approved of and thought reasonable

Resolved the said Petition with the Reasons offered be p. 205 recommended to the House viz.

By his Excellency the Governour & Council in
Assembly March the 20th 1701

This Petition and the Reasons therewith offered having been read at the Board It is recommended to the House that they would take the Same into their Consideration and agree with this Board that such Sheriffs should be longer continued in their offices than the Law now allows of in case they shall be well approved of by the Justices and grand Jurys of their Countys and so represented to his Excell^{cy} the Governour but in Case they shall not be so represented by the Justices and Grand Jury in full Court that then the Law May Stand as it is now and that it may not be in the Governours Power further to Continue them

Signed p order W Bladen Cl Coun.

Sent by Col Loyd & M^r Saunders

Original
Journal.

Together with the two Bills read last night for Relief of Kent & Calvert Countys and confirming a certain writing to be the last Will & Testament of Edw^d Mann and the Secretary's Petition about Ordinarys

Came Major Dent & M^r Lloyd from the House to desire a Conference of Some Members of their House with some Members of the Council upon the Bill proposed for Establishment of religious Worship within this Province which Conference was readily granted when the House Shall think fitt, Col Addison Col Courts M^r Brook and Col Hammond
p. 206 appointed to Conferr with the members assigned by the House

Read their Lordships the right honourable the Lords Commissioners of Trade and Plantations Letter to his Excellency of the 14th of August 1701 with their Excellencys the Lords Justices order for the Separatè Jack to be worn by such commanders of private men of War as shall be Commissionated by this Governm^t no such Commission having been granted in this Province when any are, Care shall be taken their Excell^{cys} the Lords Justices Commands shall be complied with

Read their Lordships Letter of the 20th Aug^t 1701 and as to that part about transmitting the names of 12 Persons always to lie before their Lordships to supply the vacancies in the Council.

This Board thinks fit to represent the following Persons to his Excellency to be recommended to their Ldships viz. Lieut^t Col. Tho^s Smithson Kenelm Cheseldyn Esq^r Lieut^t Col Tho^s Smith, Col Tho^s Ennals M^r William Coursey, M^r John Hall M^r Seth Biggs Cap^t Philip Hoskins Major Walter Smith M^r William Hutchinson, M^r Samuel Young and M^r William Harris, and as to their characters this Board can give no other than that those Gentlemen have been long Livers in the Country are men of good Estates Experienced and well affected to his Ma^{ty} and this Government.

As to the other Clause relating to the Governours and the members of the Council who sit in the Court of Chancery not taking Oaths for the due Execution of Justice in that Court upon which his Excellency and the members of the Council present had administred unto them the usual Oaths
p. 207 taken by the Judges of that Court

The Board adjourned 'till two of the Clock in the afternoon.

Post Meridiem

The Council Sate Present as in the morning

Came M^r Chiseldyne with 10 other Members from the House with the Bill for religious Worship in this Province

according to the Church of England and for the Maintenance of Ministers read the first & second Times & Passed by the House which said Bill was also read the second Time and agreed to by his Majesty's Council also a bill prohibiting Horse races on Saturdays read and agreed to pass and sent to the House by Col Addison, Col Courts M^r Brooke Col Hammond Col. Lloyd L^t Col. Holland and M^r Saunders. Original Journal.

His Excellency acquainting the Gentlemen of the Council that during his late Indisposition he had addressed his Majesty for his Leave to return for England for Recovery of his Health and produced his Majesty's Leave therefore in his said Majesty's Letter of the 28th of June 1701 which was read at the Board & upon that occasion all the Gentlemen of the Council expressed their Concern for his Excellency's Departure under whose Government his Majesty's Subjects here have been so easy that they can never hope for better Treatment from any other

And every one of the Gentlemen of the Council in particular Expressed their sorrow for his Excellency's Return for England after which his Excellency was pleased to write p. 208 to the House of Delegates as followeth

Gentlemen

At my first coming into this Province I gave it you under my Hand that I never would put on the least Masque of Disguise in my Actions with you, and I hope I have been strictly just in it in all Particulars

Therefore I hold myself obliged not to conceal my going for England upon any Account or Prospect whatsoever

I Have solicited his Majesty for his Leave to go Home for the Recovery of my Health which he has been graciously pleased to grant me and in order to it I have some Thoughts of going this summer therefore if I can be of any Signal Service to you there; I will do it with the same Alacrity & Honesty I have demonstrated to you here, and as I came into the Province unprejudiced, so I solemnly declare I shall leave it without the least ill Impression of any Person whatsoever which was sent to the House by Col Addison M^r Brooke Col Courts Col Hammond & Col Lloyd

The Board adjourned till 8 of the clock to morrow morning

Saturday March 21, 1701/2

Council Sate Present as yesterday.

Col John Addison on behalf of the Gentⁿ of his Majesty's honble Council Present his Excell^{cy} the following Message viz.

Original
Journal. To his Excellency Nathaniel Blakiston Esq^r Cap^t General
and Governour in chief in and over his Majesty's Province
p. 209 of Maryland

We the Members of his Majesty's Council of this Province having been acquainted by your Excellency that upon occasion of your Indisposure of health since you have been among us, your Excellency has requested and obtained his Majesty's Leave to return for England for Recovery thereof, cannot hold ourselves Excused from Expressing to you the Extream Sorrow and regrett we have upon your Excellency's Departure from us We must ever acknowledge the great Ease & Happiness we have constantly enjoyed in your just moderate generous & equitable Treatment, not only of ourselves but all his Majesty's Subjects of this Province under your Government, which we and they are always obliged in Gratitude to declare having Enjoyed so great a happiness thereby: We should be heartily glad that the State of your Excellency's Health would permitt your longer stay among us, which we are very well assured would be both for the Interest of his Majesty and the great Benefit & Satisfaction of the Inhabitants: As for ourselves in particular, we give your Excellency our hearty thanks so justly due for the many Favours and kind Friendships your Excellency has on all occasions been pleased to Express to us, and if we can no longer be so happy as to Enjoy the Advantage and Pleasure of your Excellency's Continuance amongst us, we must tho with great Reluctance Submitt, to what may best Conduce to your Excellency's Health & Advantage and beg you will give us Leave to assure you that our best wishes for your Excellency's Prosperity and Welfare shall ever attend you and we shall
p. 210 ever think our selves happy to demonstrate with how much affection and obligation we are

Your Excellency's most obedient and obliged
faithful humble Servants

John Addison	}	Rob ^t Smith
John Courts		Edw ^d Lloyd
Tho ^s Brooke		Will ^m Holland
Tho ^s Ténch		Ja ^s Sanders
John Hammond		

His Excellency gives them his Thanks for their kind sentiments and does acknowledge that his Majesty and this Province have been very happy in such worthy Members and he shall ever be very ready to do any particular Service in his Power to any of them.

It having been resolved to propose to the House of Delegates to amend the Act of Assembly for regulating the Militia this Board finding by the Houses Message of the 18th of March Inst^t by M^r Lloyd & M^r Muschamp that they Conceive themselves to be in a very good State of Defence and thereby seem to be averse from making any Alterations in the said Law, refer the next Proposal to the next Assembly.

Original
Journal.

Came George Muschamp Esq^r his Majesty's Receiver of the District of Potowmack and his Excellency acquainting the Board that upon his Accession to this Government not knowing to whom his Majesty's revenue of the 12^d was paid, finding the late Governour Nicholson to have taken Care of the 3^d p^p hh^d upon occasion of some dissatisfaction given the said Governour Nicholson by M^r Plater he had alsoe done the same during the first year of his Governm^t here but the s^d Receivers having given Security for their Places he was resolved to discharge himself of it and lodge it in their Hands and accordingly M^r Muschamp owned that his Excellency had repayed him £39..3^s..6^d being what of the said 3^d p^p Hh^d had arisen in his district for the year 1699

p. 211

Came M^r Chiseldyne & 10 other members of the House with the following Message viz^t

May it please your Excellency

We return your Excell^{cy} our humble Thanks for so freely communicating to us your Design of going to England but are heartily Sorry you find any uneasiness amongst us, which should give you Cause to desire to be removed, from a People, whom by your Constant Endeavour Candour & Integrity Prudence and discreet Management of Affairs you have given a compleat & Entire Satisfaction, which in Behalf of this Province in general & Every Individual Person in our House in particular, We gratefully acknowledge, and pray God to bless you and your good Lady, who also has been an eminent Example of Religion and Virtue and particularly we pray God to bless your hopeful children born among us to be an honour to their native Country, for which Children's Sake we hope your Excellency will, when in England, bear a true respect to this Province; if any Business arises from this Sessions towards England we shall desire your Excellency's Favour and that you will Commend our Duty & Loyalty to our gracious Sovereign whom God preserve.

p. 212

Your Excellencies

most humble Servants

Signed p order W Taylard Cl Del.

Sent to the House by Thomas Brooke Esq^r and Col John Hammond, His Excellency's Answer to the Houses Message also the Bill prohibiting Horse racing on Saturdays

Original
Journal. Gentlemen

I take your sentiments of me with great Satisfaction and shall look upon it as one of the happinesses of my Life, you approve of my Conduct amongst you, and when in England, will with the Blessing of God, as often as it lies in my Power, assert the true Interest of this Province to the utmost ability that is within the reach of him that is with all obligation

Gentlemen

Your most faithful friend & Serv^t

N. Blakiston

March 21, 1701/2

Came Cap^t Benjamin Hall and M^r Philemon Lloyd and bring from the House a Bill prohibiting the abuses committed by wood Rangers which was read at the Board & Endorsed thus

It being thought reasonable that the Rangers at present commissioned by his Excellency should have notice of it to qualify themselves according to it This Board do agree the Bill should pass provided the time for its being in force should
p. 213 be extended to the last day of July next at which time the Rangers are usually commissioned by his Excellency having given Security for their good Behaviour his Excellency upon any Complaints is willing to assign the Bonds or otherwise if the House desire it to call in those Commissions

Came George Plater Esq^r his Majesty's Receiver of the District of Patuxent his Excellency was pleased to tell him that in regard he was his Majesty's Receiver of the said District he is not willing to stand longer Charged with the 3^d p Hh^d which his Excellency received from Governour Nicholson viz. £75.. 00.. 00 and from the said M^r Plater in the year 1699, £240.. 14..^s 1½^d in all £315.. 14..^s 1½^d which his Excellency desires to be discharged from and thereupon Exhibited the Account thereof which was perused by the Board and payed the said M^r Plater the Ballance being £113.. 3.. ½ and the said M^r Plater owned that his Excell^{cy} had never received any other of the King's mony during his Government

The Board adjourned 'till 8 of the Clock on Monday Morning.

Monday March 23^d 1701/2

Council Sate Present

His Excellency the Governour

Col John Addison	}	Col Edw ^d Lloyd
Tho ^s Brooke Esq ^r		Ja ^s Sanders Esq ^r
Col John Hammond		

Read the Reverend Doctor Tho^s Bray's Letter to his Excellency about the Law of Religion of the 15th July 1701 Original Journal.

And the following Paragraph thereof sent to the House with Recommendation of this board by Col Edw^d and M^r James Sanders viz p. 214

I must not omitt to lett your Excellency know that the Burthen has laid extraordinary upon me I have been at a very great Charge with Council & otherwise while the Affair of that Law lay before the Board of Trade and when the Quakers could not get their Ends there but a new bill would be sent back with the Kings recommendations to be passed into a Law they did then Petition his Majesty to be heard in Council against it where I was also ordered to appear with my Council in behalf of the Country of their Proceedings and of this both now to be sent this Hearing alone did also cost me near 20lb I bless God the victory was very Easy as to the arguments and the Inclinations of the Court was & is as great as I could desire to do us right, but it is upon too unequal Terms that a Private and Single Purse must maintain the Cause of a Country against a whole Party my own Pains and Time in this Affair I willingly make an offering of together with what other Services have been done to the Country but as to mony out of Pocket in Solliciting an Affair of the greatest Importance to Maryland I shall expect to be reimbursed which was upwards of 50lb and humbly recommend it to your Excellency to represent this to the next Assembly

By his Excellency the Governour & Council
March 23^d 1701/2

The above is a Copy of a Paragraph of the Reverend Doctor Tho^s Bray's Letter to his Excellency the Governour and this Board do recommend to your House that you would Consider the charge the said Doctor Bray has been at for the Service of this Province for the Credit of which it is not doubted but you will be ready to reimburse him what he mentions to have expended p. 215

His Excellency is pleased to send for some of the Arms which were last sent for from M^r Tryon which were liked of and ordered that an hundred p^{ds} worth yearly of such arms be sent for with twenty Barrels of Powder

M^r Lloyd and M^r Bradley bring the bill for prohibiting the abuses of Horse and Wood Rangers which was read and agreed to and sent to the house by Col Lloyd and Lieut^t Col William Holland

The Board adjourned for an houre

Post Meridiem

Original
Journal.

The Council Sate Present as in the morning
 Came M^r Muschamp & Lieut^t Col Smallwood with the Bill
 for Establishment of religious worship within this Province
 Read the 3^d time readily passed and sent to the House by Col
 Addison & M^r Brooke
 Came M^r Matthias Vanderheyden and Lieut^t Col William
 Whittington with these engrossed bills viz
 A Bill for Establishment of Religions worship &c. assented
 to by the House which was also assented to by this Board
 A Bill for prohibiting Horse racing on Saturdays
 p. 216 A Bill for relief of Kent & Calvert Countys
 A Bill prohibiting Abuses committed by Wood Rangers
 A Bill for Naturalization of Hermanus Schec Isaac Van-
 bebber and others
 A Bill for confirming a certain writing to be the last Will &
 Testament of Edw^d Mann late of Talbott County deceased
 which said Bills were all assented to by his Majesty's Council
 and sent to the House by Col Lloyd and Lieut^t Col Hammond
 The Board adjourned till eight of the Clock to morrow
 morning

Tuesday March 24th 1701/2

The Council in assembly Sate Present as yesterday
 Came M^r Young & M^r Vanderheyden and present Major
 Charles Greenbery & Cap^t Lawrence Draper who are Mem-
 bers duly Elected to Serve for Ann Arundel County in the
 room & instead of M^r James Saunders & Lieut^t Col William
 Holland who took the oaths appointed by Act of Parliament
 instead of the oaths of Allegiance and Supremacy and Sub-
 scribed the test and association
 Came George Muschamp Esq^r and 11 other Members of
 the House with the following Message viz

By the House of Delegates March 24th 1701/2

May it Please your Excellency

We do acknowledge your Excellencys wise & just Conduct
 and Government and the Care you have taken to lessen the
 charge and Expences of the Province which were sensibly af-
 p. 217 fected with and as a grateful recognition thereof we desire
 your Excellency to accept of four hundred pounds Sterl to be
 paid out of the first mony that can be raised after these bur-
 thens that are upon us

Signed p order W Taylard Cl ho Del

As to the last Message brought from the house of their
grateful acknowledgement to his Excellency the Governour
this Board do willingly concur thereto and desire his Excel-
lency to accept thereof who returns this Assembly his hearty
thanks

Original
Journal.

By his Excellency the Governour & Council in Assembly
March 24th 1701/2

This Board do willingly concur with the offer of the House
of Delegates and desire his Excel^{cy} to accept thereof who
returns this General Assembly his hearty Thanks
Signed p order W Bladen Cl Council.

The said Gentlemen bring also the following Resolves of
the House relating to New York viz.

May it please your Excellency

His Majesty's Letter of the 19th January 1700/1 & your
Excellency's Speech on that Subject touching a Supply of
mony to New York has been seriously debated and consid-
ered and our Loyalty and Duty to his Majesty having carried
us on through all the difficultys and obstructions we have
resolved on a Supply of money to the utmost Degree of what
we have or can by any means attain to which with trouble of
mind we are forced to acknowledg will not amount to above
300^{lb} which although it be not the whole Sum mentioned
yet it is all we have or can gett and by which we are Con-
strained to leave some just debts of the publick unpaid and
our selves in a weak State of defence against our common
Enemy the Indians who are daily annoying our Frontiers

p. 218

And because we have great Reason to believe that our
neighbours of New York have not used us fairly in repre-
senting our Condition to his most Sacred Majesty otherwise
than what really is and are well assured that it will be much
more for his Majesty's Service to apply the said Mony and
also Strength we are able to Exert to the defence of his
Majesty's Province of Maryland in as great or greater Danger
than New York and not to them who are much abler to
defend themselves than we and from whose fortifications or
other Strength we can have no manner of Safety or Security
we beseech your Excellency plainly & Sincerely to represent
the Truth of our Condition to his Majesty imploring his
Majesty's Grace and Favour to make good these assertions
which are plain Matter of Fact & undoubted Truths

1 That the Indians of New York have as Easy and open
access to us as to them, who being a light flying wild bar-

Original Journal. barous kind of Enemy are not obliged by carrying of any Baggage or Artillery to keep the improved Roads or pass by our Forts but can easily and Suddenly descend upon us over the unbeaten & unoccupied mountains as we have found by Experience

p. 219 2 We have several nations of Indians on our Frontiers some between us and New York and some to the Westward of us and wide of New York and some among us who are frequently committing Rapines and Murders on our frontier Inhabitants to secure whom as well as the Province in General this Province has within this 3 years been at the charge of many hundred thous^d pounds of Tob^o & tho we have for this last 3 or 4 months been quiet by the winter Season we are in great Fears of new Incursions in the Spring having no Assurance of their faithfulness to us

3 We have no means of raising mony but by Imposition of Goods Exported and Imported of which Commodities as Exportation of Tob^o is twenty times more than all the rest and in laying any thing upon that we are constrained to be very tender by occasion of the Duty payable on the Same in England and the Commission that is thereby advanced to the Merch^t for whom the same is consigned for Sale

4 To raise mony by Tax on the Inhabitants is utterly impracticable here for there is Several hund^d Familys nay the greatest Part of the whole Province have not 5^s by them nor any means to raise it because there is very little amongst us and that a base Coin that is not Current with our neighbours nor have we any Liberty yet from his Majesty to advance coin so as to introduce it among us by means whereof the best in the Province are oftentimes put to a Streight to procure mony for their travelling pocket Expences

p. 220 5 This Province has several Times heretofore been reduced to very great Extremity and Danger by those very Nations on our back to the impoverishing and almost destruction of the men & Substance of this Province which we always sustained without any Assistance from New York or any other neighbour Government except Virginia who was equally Concerned in the same at Some times

6 The great Charge We have lately been at in raising mony to build a Statehouse free School church and Prison on a new Seat of Government att Annapolis hath putt on us another great Burthen which is not yet discharged

7 That it may be Considered how far the mony will compass the designed End and when all our neighbours (under better Circumstances than we) has not answered their Proportion and how discouraging it will be to us to remitt our Treasure and Strength to New York and lay our Nakedness

and defenceless Condition open to our af^s Enemy, whilst our neighbours retain their Strength for their own Defence, and which we believe is the best Service to his Majesty

Original
Journal.

8 Let it be considered that 2000^{lb} of Tob^o p year is one with another what every Labourer makes in this Province and that none but Labourers or the best of this Province can be sent to make up the Quota of men demanded and it will easily be found considering the Inability to us of raising mony and the duty Tob^o pays at home that the maintaining the Quota of men mentioned will ruin this Province in one year and lessen his Majesty's Revenue more than double the sum that we pay besides the Danger of this Province of being overrun and destroyed by the Salvages in the mean Time

p. 221

And that his Majesty on Consideration thereof and his gracious Regard for our Satety will be pleased to exempt from that or any other Contribution to New York and direct that the s^d mony or what other Strength we can raise may be applyed to the defence of this Province of Maryland against the Incursions of his Majesty's & our Enemys that so we may with Comfort & Quiet apply our selves to our manufacture of Tob^o for our own Support and Increase of his Majesty's Revenue

His Excellency was pleased to write to the House as followeth viz.

Gentlemen

I being with God's assistance bound for England I will with the utmost of my Power Serve you as Effectually as I can, in your business of New York; but I would not have you to be mistaken to think, that I am that Considerable Person as to have the Honour of his Majesty's Eare, but I will make my Application to that honble Board the Lords Commissioners of Trade who under his Majesty are the Patrons of the Plantations and if their Ldships shall Judge it necessary I shall represent your case to his Majesty by way of Memorial or what other methods their Lordships shall judge most proper

N: Blakiston

By the Council in Assembly March 24th 1701/2

Gentlemen

We have sent you a Copy of a Paragraph of the Right Honourable the Lords Comm^{rs} of Trade & Plantations Letter to his Excellency the Governour by which you may perceive how deficient their said Lordships do think we are to our selves in not appointing some fitt Person to Sollicit our Affairs in England which are oftentimes delayed and some

p. 222

Original
Journal.

times wholly miscarry for want thereof wherefore in regard our present Governour is now Shortly intended for England of whose provident Care for the Interest of this Province we have all possible assurance & is willing to take that trouble upon him, proposing for one years Time to bestow his application therein Gratis for the good will he has for the Country and afterwards at the rate of 120^{lb} p annum; or if you think that too much upon such terms as your selves shall judge fit, and to Continue in such Agency until the Assembly shall by their Letter signify that they have no longer occasion to make use of him. We do desire the House will Consider of what advantage his said Excellency's application may be to us and accept of the said offer

Signed p order W Bladen Cl Concil.

Sent to the House by Tho^s Brooke Esq^r Col John Hammond Col Lloyd and M^r Sanders (also)

Gentlemen

I now return you my uttmost Acknowledgments for your generous Donation beyond my hopes much more my good Intentions of serving you are encouraged and the Favour is doubled by doing it at a Time when I am going to leave you, and believe me I am not linked to your Service by Interest
p. 223 but by Sincerity and a train of obligations

What the Gentlemen of his Majesty's Council have offered to your Considerations about an Agent I am ready to give you my Service for the first year Gratis and if you think what they have proposed to exceed your Inclinations you shall make your own Terms for I am very ambitious to approve myself
Gent.

Your most obed^t faithful Serv^t

N. Blakiston

Proposed that the intended Address to his Majesty be sent down to the House with the following Message viz.

By the Governour and Council in Assembly

March 24th 1701/2

Gentlemen

The Address herewith sent is proposed for your House to join in, to his Majesty, if you shall think fit, with his Excellency & the members of this Board by which no other matter of Import will impede the concluding of this Sessions

Signed p order W Bladen Cl Counl.

Read the Petition of M^{rs} Ann Blake widdow and Relict of Cap^t Tho^s Blake late Sheriffe of Calvert County deceased shewing that her said husband died just before March Court and that it would be a great Detriment to his Estate unless his Excellency would be pleased to grant her the Benefit of the said March Court and that he would be pleased to order M^r George Parker whom his Excellency is pleased to appoint Sheriff of that County to Grant Deputations to her late Husbands under Sheriffs to collect & Execute all publick & County Levys due to the said M^r Blake till the 10th of April next which his Excell^{cy} is pleased to order accordingly

The Board adjourned till 8 of the Clock to morrow morning

Original
Journal.

p. 224

Wednesday March 25th 1702

The Council in Assembly met Present as yesterday Saving Col John Addison

Came M^r William Hutchinson & M^r Philip Lynes with the additional bill for securing Orphans Estates assented to by the House which was also read here, and assented to by this Board and sent back to the House by Col Edward Lloyd and Lieut^t Col William Holland

M^r Hutchinson and M^r Lynes brought also this Resolve from the House viz

By the House of Delegates March 25th 1702

Resolved by the House that the publick Treasurer of the Western Shoar immediatly pay unto his Excell^{cy} the Gov^r 200lb Sterl a moiety of the Donation and that this Resolve shall be his warrant

Signed p order W: Taylard Cl Ho Del.

Which was assented to by this Board

Signed p order W Bladen Cl Council

Came M^r William Harris and five other members with the Bill for apportioning the publick Levy and the Houses Resolve about an Agent &c. which is as followeth

By the House of Delegates March 25th 1702

p. 225

The Message sent yesterday touching an Agent of this Province and the opinion of his Majesty's hon:ble Council and their Proposal with his Excellency's Regard and generous offer to assist us therein has been read and Considered on

Original
Journal.

And it is resolved by unanimous Consent that his Excellency be and is hereby appointed agent for this Province upon the Terms proposed which we thankfully accept the Time to Commence from his Excellency's first Arrival in England

Signed p order W Taylard Cl Ho Del.

The Bill for apportioning the publick Levy read twice at the Board & sent to the House

Came Mr John Hall and Mr Bosmane & present Mr Peter Dent a member elected for Somersett County instead of Mr James Round deceased who took the Oaths appointed by Act of Parliament and Subscribed the Test & Association

Cap^t Benjamin Hall and Mr Philemon Lloyd came with the bill for apportioning the publick Levy which was read and assented to by this Board and sent to the House by Col John Hammond and Mr James Sanders

Came Mr Benjamin Hall and Mr Philemon Lloyd and bring up the several Bills this sessions assented to by the House viz

p. 226 An Act for Establishment of religious worship in this Province according to the Church of England and for maintenance of Ministers

An Act for relief of Kent & Calvert Countys

An Act for Naturalization of Hermanus Schee Gent. Isaac Vanbebber Gent Matthias Vanbebber Merch^t and Derick Cholicman Planter all of Cecil County James Brovard and James Brovard John Brovard & Solomon Brovard his sons of Kent County and Sebastian Oley of Ann Arundel County

An Act for making valid the last Will & Testam^t of Edw^d Mann late of Talbott County deceased

An Act prohibiting Horse racing on Saturdays

An Act for preservation of Orphans real Estates.

An Act empowering a Committee to lay asses & apportion the publick Levy for this present year 1702

Which were all assented to by his Excell^{cy} the Governour and his Majesty's honourable Council his Excellency is pleased in his Majesty's name to declare them to be Laws & ordered to be sealed with the great Seal of the Province Separately which was accordingly done in Presence of the Assembly

Mr Speaker and the House of Delegates presented the Address to his Majesty Subscribed by the whole House

Then his Excellency was pleased to prorogue them until the 28th day of April next Ensuing

William Bladen Clerk of the Council

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND.

*At a Session held at Annapolis, March 16, 1701/2
to March 25, 1702.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

NATHANIEL BLAKISTON,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss:

The Second Sessions of Assembly held the sixteenth of March Anno Dom: 1701/2 at the Porte of Annapolis. Original
Journal.

Whereas the Gen^l Assembly of this Province was by his Ex^{cy} Nathaniell Blakiston Esq^{re} his Maj^{ty} Captaine Gen^l and Governour in cheife in and over his Maj^{ts} Province of Maryland and the Territory's thereunto belonging by Severall Prorogations prorogued to this sixteenth day of March in the fowerteenth Yeare of his Maj^{ty} Reigne &c.

The house being mett were called over. The Severall members following appeared viz:

The hon ^{ble} Tho: Smithson Esq. Speaker		
For St Mary's Citty	{ George Muschamp Esq ^r Leiu ^t Coll ^o Henry Lowe	
For St Mary's County	{ Kenelm Chesldyn Esq ^r M ^r Thomas Beale M ^r William Watts	{ In ^o Baker.
Kent County	{ Leiu ^t Coll ^o Thomas Smyth Coll ^o John Hynson M ^r John Salter M ^r John Whittington	
Ann Arund ^l County	{ M ^r Sam ^l Young M ^r John Dorsey Maj ^r H. Greenbury M ^r Law Taylor	
Calvert County	{ Maj ^r Walter Smith M ^r Elisha Hall M ^r William Parker M ^r John Smith	
Charles County	{ M ^r W ^m Dent M ^r James Smallwood M ^r Philip Lynes M ^r Benj ^a Hall	
For Baltemore County	{ M ^r Edward Dorsey M ^r Sam ^l Collins M ^r John Hall M ^r Thos Hamond.	
Talbott County	{ M ^r Philemon Loyd. M ^r Richard Tilghman.	

Original Journal.	Dorch ^r County	{ Mr Jacob Loockerman, Mr Thomas Ennalls, Mr Hugh Excleston Mr Jn ^o Lecompt.
	Cecill County.	{ Coll ^o St Leger Codd, Mr W ^m Harris Mr Vanderheyden
	Prince Geo: County	{ Mr Thomas Greenfield Mr William Hutchyson, Mr Jn ^o Wight Mr Robert Bradley

Out of which said severall Countys were found to be wanting the Severall members foll: viz:

St Mary's County	Maj ^r John Lowe	Deceased.
Ann Arund ^l County.	{ Coll ^o Holland & Mr James Saunders	{ removed to his Maty ^s honble Councill.
Baltimore County	{ Jn ^o Hall Esq ^r & Mr Tho ^s Hamond	{ absent
Talbott County	Coll ^o Edw ^d Loyd	{ removed to the hon ^{ble} Councill
Somerset County	All Absent.	
Dorchester County	Coll ^o Tho ^s Ennalls	Sick.
Cecill County.	{ Coll ^o S ^r Leidger Codd Coll ^o Jn ^o Thompson	{ Sick Deceas'd

Ordered that Mr Speaker Issue his Warr^t directed to the Hon: Secretary to issue out writts of Election to the Severall Sheriffs of the Countys following viz:

One writt to the Sherrife of S^t Marys County for Election of one Delegate to serve in the roome of Maj^r In^o Lowe decd.

Two other writts to the Shr: of Ann Arundell County for Election of two Delegates to Serve in the Stead and place of Coll^o W^m Holland and Mr James Saunders removed to his Ma^{tye} Honble Councill

One other writt to the Sherrif of Talbott County for Election of one Delegate to Serve in the room of Coll. Edward Loyd likewise removed to his Maj^{tye} Honble Councill.

Allsoe one other writt to the Shr: of Cecill County for Election of one Delegate to Serve in the Roome of Coll^o Jn^o Thompson dec^d

Mr William Bladen Clk: of his Maj^{tyes} Hon^{ble} Councill enters the house and acquaints Mr Speaker that his Ex^{cy} Co^mands

him and the members of this house to attend him and his Mat^{ys} Hon^{ble} Councill at the Councill Chamber. Original Journal.

Whereupon M^r Speaker and the whole house adjourne to the Councill Chamber.

Att the Councill Chamber his Ex^{cy} is pleased to make to the house the following Speech viz:

Gent: I have never convened you oftner then the imediate affaires of the Province have required, and that not oftener then once a yeare neither should I have called you now soe early in the Spring but that some concerns of moment require yo^r concurrence.

The Law for Establishm^t of Religious Worship in this prov-ince according to the Church of England which you made last and sent home is now returned by his Maj^{ty} for yo^r assent, and you will find the alteracōns that are made but very little and those such vissable amendments to our advantage being corrected by soe wise an hand Wee ought to be proud of the patterne in confirmeing it

If I mistake not yo^r Journall of Assembly will make it appear that this way was humbly requested by yo^r Selves in an address to his Ma^{ty} that he would be pleased to order it to be drawne as he should think fitt and to be remitted to you for yo^r concurrence

And Since this Law was soe unanimously made by you I have not the least Doubt that any crafty insinuacōn will abate yo^r good Intentions in Confirmeing soe Glorious and good An Act but that you will chearfully joyne in putting it upon that foote his Mat^y has Graciously given us an handle to doe that for the future it may not be within the reach of our opponents to Shock it againe tho' their Efforts have proved feeble hitherto Yett you ought not to trust it any longer but endeavour to plant it firme to yo^r posterity which be a most lasting Testimony of yo^r v^{er}tues

I am directed by his Maj^{ty} to communicate to you his Lre : of the nineteenth of January in w^{ch} his Mat^y has thought it necessary for yo^r Safeties that you give a Supply of six hundred and fifty pounds Sterling towards the building a ffortificacōn in his Govrnm^t of New Yorke as allsoe a Quota of men if occasion should be. I need not enforce this his Mat^{ys} command to you with any better argument then he is pleased to Signifie in his Lrē that yo^r compliance with this will entitle you to his Royall Grace and favour

I have been some yeares among you and you have allways found me strictly Iust to you.

Wherefore If I have any credit with you it is my reall oppinion you cannott be kinder to yo^r Selves then by showing yo^r ready

Original Journal. Compliance with his Mat^{ys} Lre. for his regards to this province have been very perticular and he is now about giving me a further Testimony of it by takeing us in his more imediate protexion by Act of Parliam^t

As for the danger of the comon enemy that seems to threaten us Providence has been Liberall in blessing us with a prince that will vigourously in his owne p^rson defend us and not appeare at the head of his Army by Proxy as most other princes doe.

Gent:

I have now been three yeares among you and must with great Satisfaction owne the good concord wee have had, and and if I have at any time departed from that Justice. Honour and Integrity incumbent on me pray vpraide me with it that I may avoid it for the future for I have examined myselfe and am not in the least concious that I have been ever wanting in my constant endeavours of an vnbiassed pursuite of the true Interests of his Maj^{ty}s and the Inhabitants of this province

What other things I hold myselfe enjoyned to consult you in shalbe done by way of Messuage as usuall and is referred till to morrow morning

Which said Speech being ended M^r Speaker and the rest of the members returne to the house and M^r Speaker tooke the chaire.

Resolved that the former Rules of this house be observed and kept dureing this Sessions

The house adjournes till to morrow morning Seaven a Clock

Dies Martis March 17th 1701/2

The House mett againe and were called over

Present as Yesterday His Ex^{cy} Speech being read.

Ordered the same be read againe in a full house

It being moved in the house that Whereas Kent County Court is neere at hand and forasmuch as there are not sufficient Justices in the County to hold a Court unless a member of this house one of the Justices of the said Court be permitted to goe into the said County to supply that defect,

It is thereupon Resolved that a bill be prepared for adjournment of the said County Court till the first Tuesday in Aprill next and that the same be recommended to the Com^{ee} of Lawes for that purpose

It being mooved by a member the great hardships of the publick officers for not recovering their fees in due time for want of regulateing the Law Therefore resolved that M^r Ken: Cheseldyne, M^r William Hutchison and M^r Richard Tilghman

be a Committee appointed for inspecting the Law for officers fees and make Reporte thereof to the house. Original Journal.

Proposed whether it be not reasonable that the Iournall of the last Sessions be inspected to discover w^t Referrences there are to this Assembly.

Resolved that the Clk make search into the Iournall and p^rsent to the house a list of such references as shalbe found.

The Journall being accordingly inspected and one reference found relateing to Horse Rangers &c which being read.

It is resolved that a Bill be prepared for that purpose.

Another reference upon the peticōn of Edward Lademore of Cæcill County was read, the further consideracōn whereof is referred till the said Laddemore and his wife appeare here according to a former order of this house.

The Hon^{ble} Thom^s Brooke Esq^r Coll^o Jn^o Addison Coll^o John Courts, Coll^o Edw^d Loyd, M^r James Saunders and Coll^o W^m Holland enters the house and delivers the following Message to M^r Speaker.

By his Ex^{cy} the Governour and Councill,
March 17th 1701/2

Gent :

The Law proposed for Establishment of Religious Worship in this province returned from his most Sacred Ma^{ty} with the Right hon^{ble} the Lord Comm^{rs} of Trade and plantacons Lre : therewith as allsoe his Maty^s Lre : requireing yo^r contribucōn to the defence of the Frontieres of the province of New Yorke by a Quota of men and money which his Ex^{cy} recomended to you in what he was pleased to say last night to you upon yo^r coming up are now sent downe unto you for consideration.

And your concurrence and Resolucōns thereupon are desired with as much Speed as conveniently may be.

Signed p order
W. Bladen Clk : Councill.

Which being read it is Resolved that for as much as it is a matter of great moment and weight and not haveing a full house the members of two Countys being wanting the Consideracōn thereof is further referred till there be a full house.

And ordered that Major W^m Dent and Major Thos: Smith immediatly attend his Ex^{cy} and Councill to comunicate to them such the occasion of not returning soe Speedy an Answer as might otherwise been expected.

A Reference of the last sessions relateing to the Grand Iury's and their speedy attendance on the Prov^{ll} Court &c. was here read.

Original
Journal. And Resolved by the house that the Committee of Laws prepare A Bill for that purpose.

And as to the proposall relateing to Coll^o Talbotts Lands to be sold for refunding the Great charge of this province heretofore expended on his behalfe for Imprisonm^t fees &c: which was read.

Resolved and Ordered that the Com^{ee} of Laws as well enquire into the publick and Discover the charge as alsoe inspect into the Records for the said Talbotts Land wthin this province and what titles he has to the same—of all which they are to make reporte to this house by all convenient Speed.

A Message from his Ex^{cy} and Councill of the 15th of May 1701 referred to th^s Sessions, It being for appointing an Agent et: was now read and debated, And for as much as the house conceive they have noe occasion of such agent, Therefore, Resolved there be further Conference thereupon for th^t this house conceive they have no occasion of any at p^rsent.

The Peticōn of Jn^o Needles of Talbott County and his wife and others the children of M^r Edward Mann relateing to a paper testament or Will of the s^d Mann, was here read, and

Resolved that the Consideracōn thereof be referred to a Committee for th^t purpose. And Ordered that Maj^r W^m Dent, M^r John Salter and Maj^r Edward Dorsey be a Committee appointed to Consult the same and make their Speedy report thereof to this house.

The house adjournes till 2 a Clock in the Afternoone.

Post Merediem. The house mett againe according to adjournment and were present as in the morning.

And M^r Sam^l Young and M^r John Dorsey two members absent in the morning enters the house and tooke their places.

The Peticōn of Thomas Love of S^t Maries County read and rejected.

Then were appointed of the Committee of Laws Kenelm Cheseldyn Esq^r M^r W^m Hutchison M^r Richard Tilghman M^r W^m Dent M^r Jn^o Salter, M^r Edward Dorsey and M^r Henry Lowe who are ordered to withdrawe to consult of Severall Matters before delivered them.

Proposed by a member of this house whether it be not reasonable that a Law be provided for paym^t of Rents of Orphans Lands in the time of their minority.

Resolved the same be referred to a further consideration.

The Committee of Laws enter the house and reports as follows.

By the Com^{ee} of Laws:

To the Hon^{ble} the house of Delegates, March 17th 1701/2

Wee have considered the matters comitted to our charge and

1st As to Law Acertaining officers fees wee have veiwed and considered them and being informed that some persons concerned intend to make some offers on that Subject. Referred therefore till wee heare what will be said by them.

2nd As by the peticōn of Needles Sherwood and others wee find by undoubted assurance—

1. That the paper is the hand wrighteing of Edward Mann.

2^{dly} That the paper has all the esentials of a will except being signed in the presence of three witnesses as the Stat: of the 29^o of King Charles the 2nd requires.

3rd Wee have noe account that ever Mann altered his resolutions in that paper contained.

4^{thly} The paper contains a fatherly inclination to distribute his estate among his children without giveing one all to the prejudice of the rest but that this fatherly intention will be frustrate unless confirmed by this Gen^l Assembly.

Therefore upon the whole matter we are of opinion the peticōn may be granted soe far as to confirme that paper according to the import of it in as firme and Ample manner as if the same had been signed in the presence of three or more Witnesses, according to the forme of the Stat: aforesaid.

All which is humbly Submitted to consideration of the house by us.

Ken: Cheseldyn. chairman.

Resolved that this house doe concurr with the reporte of the Committee in their opinion and that the Same be sent to his Ex^{cy} the Governour and his Majestys Honble Councill.

W^{ch} s^d reporte was endorsed, viz.

March 17th 1701/2

By the house of Delegates.

This Reporte being heere read this house concurs with the opinion of the Com^{ee} therein and referrs the Same together wth the Originall paper and peticōn to the consideration of his Ex^{cy} and hon^r Councill.

Signed p order.

W Taylard Clk. house Dell:

Original Journal. And ordered that Maj^r W^m Dent and M^r Phillemon Loyd carry the same up to his Ex^{cy} and Councill.
They ret. and say they have delivered the Same.
The house adjournes till to morrow morning 7 a Clock.

Die Mercurij March 18th 1701/2

The house mett againe and being called over were present as yesterday. and appeared in the house M^r W. Harris M^r Mathew Vanderhayden two members for Cecill County and tooke their places in the house.

Read the Peticōn of the Justices of Calvert County relateing to their Court house therein Setting fourth the deficiency of their Title to the Land whereon the Court house stands and praying releife.

Resolved that the Comittee of Laws prepare a Bill for that purpose.

The answer to the Messuage yesterday relateing to his Ex^{cy} Speech the Consideration whereof for Severall weighty reasons is referred till to morrow morning.

The Reporte of the Committee of Laws relateing to the Testament of Edward Mann recomended to the Councill was againe raturnd to this house by the honble James Saunders Esq^r and Coll^o W^m Holland two of his Mat^{ys} honble Councill which was thus Endorsed

By his Ex^{cy} the Gov^r and Councill,
March 18th 1701/2

The Peticōn of John Needles and Eliz^a his Wife, Jn^o Sherwood and Lucey his Wife and Mary Mann Spinstrs togeather with the reporte of the Comittee of Laws, thereupon being read at the Board is here well approved of and his Ex^{cy} and Councill are willing a Bill should be brought into confirme the deficient testament as prayed for.

Signed p order.
W Bladen Clk Councill.

Which said petition was read in this house. And Ordered A Bill be prepared for the Same.

Coll^o John Hammond and Coll^o Edward Loyd from his Mat^{ys} Hon^{ble} Councill Enters the house and delivers the foll^o Message to M^r Speaker.

By his Ex^{cy} the Gov^r and Councill in Assembly
March 18th 1701/2

Original
Journal.

Herewith is sent you the R^t Honble the Lords Com^{rs} of Trade & plant^a Lre: to his Ex^{cy} the Gov^r of the 22^d of July last requiring his Ex^{cy} to gett the best informacōn he cann relateing to the Conduct of the proprietary Gov^{rs} and Governm^t upon the Severall heads of observations in the said Lre: enclosed and upon such other heads as may be proper to give a true light into the State of the plantacōns more especially in relation to this province while it was under Governours appointed by the proprietor.

And also as to Pennsylvania and the Iersey's which are the nearest to this province, and thereupon you are desired in Compliance to the s^d Lre: from their Lordsp^s to represent what you know or have heard either in respect to this province whilst under proprietary Govern^{ts} or otherwise of Pensilvania and the Jersey's according to their Lordsp^s desire, and inas-much as it hath been offered at this board that some Gen^t of knowne probity now in your house have reported th^t they were Sencible the 14^d p tonn formerly and yett taken by and paid to the Lord Baltemore as porte Dutys was intended & given for the maintainance of Forts and Defence of the province and was originally stated and called Forte Dutys' and not porte Duty's but by some Sinister means contrary to the intent of the Assembly that gave it it was altered and changed into porte Duty's

Therefore wee Desire you will enquire into this matter and endeavour to gett the best informacōn and Satisfacōn you cann therein the said Revenue of 14^d p Tonn being now of great emolument and in case it be made appeare to be mis-applied that is contrary to the intent it was raised for, proper means may be used to regaine that disadvantage to the province.

Signed p order. W Bladen Clk Councill.

Which said Message being read, It is resolved it be againe read in a full house.

The house adjournes for an howre

Post Merid: The house mett againe and being called over.

Were present as in the morning only M^r Vanderhayden absent being sick.

The Message by Coll^o John Hammond and Coll^o Edward Loyd againe read. And the Lords Com^r Lre: and observations mentioned in the same were here likewise read.

Which observations here followes, viz :

Original
Journal.

The Gov^{rs} of the prop^{ry} and charter Govern^{ts} are Generally not qualified by taking the Oaths required by law nor have they his Mat^{ys} approbacōn according to the Act of Trade and more perticularly the late Acts for preventing frauds and regulateing abuses in the plantacōn trade.

They assumed to themselves a power to make Laws contrary and repugnant to the Laws of England and prejudiciall to our trade.

Some of them have refused to send hither such Laws as they enact, some neglect to doe it and others have sent the Laws being imperfect.

Divers of them have refused appeales to his Mat^{ys} and Councill by which the Inhabitants of those Collonyes are deprived of the benefitt allowed in the plantacōns under his Mat^{ys} Government, and the party's aggreived are left without remedy from the Arbitrary and illegall proceedings of their Courts.

Those proprietary Collonys are the Ordinary refuge and retreat of Pyrats and illegall traders.

By raiseing and Lowering their Coyne from time to time (as may be for their perticular advantage) the prejudice other Collonyes receive in drawing away their money and likewise drawing away their Servants and people and harbour ffugitives.

They Employ themselves to improvements of Woolen and other manufactures and products of England which they carry directly to forreigne parts and more especially to the Spanish Indies.

And they furnish themselves with all sorts of European comoditys from forreigne parts to the Great prejudice of the Interest of this Kingdome.

They doe not putt themselves in a state of Defence by haveing any Regular Malitia, Arms or Amunicōn, some of them are in a State of Anarchy and Confusion.

Which being read the house pceeds to debate the same.

And as to the first and second observacōn wherein it's said they assumed to themselves the power to make laws, and such as they enacted they refuse to send home.

This house say they know no such thing.

3^{dly} Relateing to appeales &^{ca} It is acknowledged by this house that in the time of the Proprietary Govern^t here appeales for England have been denied.

4^{ly} As to Pyrats and illegall Traders &c: This house say they never knew of any to be harboured or favoured in this province.

5^{thly} As to the Article relateing to Raiseing and Lowering of Coyne.

This house held some debate. Whereupon Voted whither ^{Original Journal.} advancing of Coyne in the Province of Pensilvania be prejudicial and draws money out of this province or not. Carried in the affirmative.

And Resolved that Pensilvania hath opportunity under a prop^{ty} Governm^t of advancing the coine which hath been found very prejudicial to this Province. But for drawing away Servants and people and harbouring fugitives, This house knows not of any such thing done by any publick Countenance or Authority.

And Lastly that Article for not putting themselves in a State of defence.

This house say they finde themselves in a very good State and Condition, but as to their neighbouring Collonyes this house say nothing.

Resolved a Message be drawne up thereupon and sent to his Ex^{cy} and Councill, which followes viz :

By the house of Dellegates March 18th 1701/2

This house haveing taken under consideracōn the message this day by Coll^o Jn^o Hammond and Coll^o Edward Loyd together with the Lords Com^{rs} of trade and plantacons Lre : and the observations thereon being here read. It is by the house answered as foll^s

As to the first and Second observacōns wherein its sayd they assumed to themselves a power to make Laws &^c and such laws as they enact they refuse to send home.

This house say they know noe such thing.

3. Relateing to appeales &^c It is acknowledged by this house that in time of the Proprietary Governm^t here, appeales for England have been denied.

4. As to pyrats and illegal Traders &c : This house say they never knew of any to be harboured or favoured in the province.

5. As to Raiseing and Lowering Coyne &c. This house say that Pensilvania hath oppertunity under a proprietary of advancing their Coyne, w^{ch} hath been found very Prejudicial to this Province.

But for Drawing away Servants and people and harbouring fugitives,

This house know not of any such thing done by any Publick Countenance or Authority. And Lastly the Article for not putting themselves in a State of Defence.

This house say they finde themselves in a very good State and Condition. But as to their neighboring Collonys this house say nothing.

Signed p Order,
W Taylard Clk: house Dell:

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The same was sent up to his Ex^{cy} and Councill by M^r Phil-
lemon Loyd and M^r George Muschamp. Who returne &
say they delivered their message.

The House adjournes till to morrow morning 7 a Clock.

Die Iovis, March 19th 1701/2

The house mett againe and being called over, all were
p^rsent as yesterday.

Proposed whether the house shall proceed upon his Ex^{cys}
Message by Coll^o Addison and others of his Maty^s honble
Councill of the 17th March 1701/2 Relateing to the Act for
Religious Worship.

Resolved by the house they doe proceed.

And the aforesaid Act now lyeing under consideracōn of
the house, It is ordered the Act or Bill sent out of England
be referred to the Com^{ee} of Laws to compare with the act for
religion of this province and that the Comittee make obser-
vacōn and remarks of w^t alteracōn there may be found, and
reporte the same to the house by all convenient speed.

Proposed by a member the great ill conveniency for encour-
ageing of vice by two frequent horse raceing on Saturdays,
whether it be not necessary to make a law for suppresing the
same on Satturdays.

Resolved that the same be recomended to the Comittee of
Laws to prepare A Bill with some Mults &c.

The message of the 18 of March 1701/2 relateing to the
14^d p tonn being reassumed. And forasmuch as it have been
reported to the house that Strict Search and Enquiry have
been made for discovering of the same. It is ordered that a
message be drawn up in answer to his Ex^{cys} demand therein,
which follows, viz :

By the House of Delegates March 19th 1701/2.

May it please Your Excellency.

In answer to the latter parte of his Ex^{cys} Messuage p Coll^o
John Hammond and Coll^o Edward Loyd relateing to the 14^d
p tonn.

This house have made strict search and enquiry Into the
Originall Law and some Iournals of Assembly for discovery
of the same and what discovery is made relateing thereto this
house recomends to you^r Ex^{cy} for perusall such matters as ap-
peares with directions to the Gent: by whom this coms to
produce and shew the particular Law and minutes thereof
with some remarks thereupon since and if your Ex^{cy} please

to comand any members of this house that may give any further light therein they shall be ready to attend your Ex^{cy} when your Ex^{cy} shall see convenient.

Signed p Order

W Taylard Clk. house of Delegates.

And sent up to his Ex^{cy} and Councill with an old Booke of Laws and Iournall of the Councill of Governour Copleys time with directions to shew to the Councill what scrutiny is made &^c

The Committee of Laws enters the house and Presents M^r Speaker with the follow^g Bills &^c

Bill for Conveying Iurours to the Prov^{ll} Court from the Easterne Shore.

Bill for Releife of Kent and Calv^t Cou^{ty}s

Bill for Needles about Mann's Testam^t

Ordered they be read in the afternoone.

The house adjournes till one a Clock in the afternoon.

Post Mered. The house mett againe, according to adjournment, And being called over, Were p^rsent as in the morning.

M^r Phill^o Loyd and George Muschamp Esq^r say they Delivered the Message of the morning.

A Bill for confirmeing a certaine wrighteing to be the last Will and Test^t of Edward Mann. Read the 1st & 2^d time and doe pass.

A Bill for Releife of Kent and Calvert Co^{ty}s Read 1 & 2^d time & doe pass.

Bill for Conveying Iuro^{rs} to Prov^{ll} Courts from the Eastern Shoare.

Read the first and second time and comitted for amendment (that the Sherrife have but fower hundred pounds of tobb^o) and that the jury men of the Westernne Shoare shall have free passage over fferrys at the charge of the publick.

Leiu^t Coll^o Thos Smith brought into the house.

A Bill prohibiting Horce races on Saturdays.

Read the first time and comitted for Amendm^t

The Peticōn of Richard Bishop Junior of Talbott County being hear read and considered, The pet^r is referred to cōm Law for Releife.

Tho^s Brooke Esq^r and Coll^o Edward Loyd from his Maty^s honble Councill enters the house and delivers M^r Speaker the foll^o Bills and Ordenances, viz^t

A Bill for naturalization of Hermanus Schee and others.

Read the first and 2^d time and doe pass.

And Likewise an Ordnance relateing to Sailors, w^{ch} being read the house concurs therewith and Ordered it be entred as followeth viz^t

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By his Ex^{cy} the Gov^r and Councill in Assembly
March 19th 1701/2

Whereas In the late Act for regulateing Ordnarys there was a good and beneficiall clause enacting that noe Ord^{ry} keeper w^{soever} within this province should creditt any Sailor belonging to any Merch^t Shipp or Vessell tradeing within this province for more then the vallue of Twenty Shillings Curr^t money dureing their stay here for the time of one voyage, which said clause is now omitted in the p^sent Law for regulateing Ord^{rys} But for that dailey experience shews the absolute necessity of such a clause to restraine the said Ordnarys from harbouring and entertaining such Saylers to the Great Prejudice of the owners and masters of vessells to whom such Sailors belong who generally neglect and delay to performe their Duty's and obey the Lawfull comands of their Masters to the Great disservice of his Mat^{ys} and prejudice of trade within this province. Preventing and impedeing the dispatch thereof and very often when such Sailors have spent their wages in such Ordnarys occasioning and induceing them to runn away and disert the vessells whereto they belong: It is proposed that it be ordained and be it ordained by his Maj^s Honb^l Councill and the Dellegates of this p^sent Gen^l Assembly that noe Ord^{ry} Keeper w^{soever} within this province Do p^rsume to harbour or entertain such Saylors to the neglect of their service to their respective Comanders and p^rjudice of the dispatch of any Shipp or Vessell thereby under the paine and penalty of being suspended from keeping such ordinary and that noe Ord^{ry} keeper whatsoever shall creditt any such sailor for more than five Shillings dureing any one voyage, under the penalty of Looseing his Debt and being fined to our Lord the King five pounds Sterling whereof one halfe to the informer the other halfe to the vestry of the Parrish where such Ordinary is kept.

Signed p order
W Bladen Clk: Councill.

March 19th 1701/2.

The house of Delegates concurs herewith

Signed p order W Taylard clk: house Dell:

Peticōn of the Inhabitants of Prince George County.

Read. The Consideracōn thereof is referred till tomorrow morning.

Bill for the releife of Kent and Calvert Countys, Read 2^d time and doe pass

Bill confirmeing the Wrighteing to be Mann's testam^t

Read the 1st and 2^d time and doe pass.

Which two last Bills were sent to his Ex^{cy} and Councill by
M^r Benj^a Hall and M^r Hugh Eccleston

They returne and say they delivered the Bills.

The Committee of Laws enter the house and brought in the
proposed Bill for Religious Worship &c^a Referred for reading
to morrow morning.

A mocōn of M^r Charles Carroll relateing to grants of land
surrendered to be vacated &c^e here offered for Consideracōn.

Which is referred till to morrow morning. And The house
adjourned till to morrow morning 7 a Clock.

Die Veneris. March 20, 1701/2.

The house mett againe and being called over were all p^rsent
as Yesterday.

Reassumed a former proposall whether it be not convenient
that a Law be made to direct the paym^t of rent for Orphans
Land, which is referred to consideracōn of the Com^{ee} of Laws
to p^rpare a Bill for th^t purpose.

Coll^o Edward Loyd and James Saunders Esq^r enters the
house and delivers M^r Speaker the foll^o Bills endorsed (viz.)

Bill for Releife Kent and Calvert Countys, endorsed,

March 21, 1701/2 Read the 1st time.

W Bladen Clk: Counll:

Bill for Confirmeing a Certaine Wrighteing to be the Testa-
ment of Edward Mann. Endorsed March 19th 1701/2

Read the 1st time.

W Bladen Clk: Councill.

Peticōn of Thomas Reynolds and others on behalfe of them-
selves and the rest of the Shrffs &c thereby praying longer
time to continue in the Sherriffes Office.

Which was here read and Debated and Resolved it be wholly
rejected.

The proposed Bill for Religious Worship, Read and voted
whether the same pass as it came from England or that it be
amended.

Carried in the Affirmative and ordered that the blanks be
filled up and it be th^s endors'd.

Resolved that it pass without any amendment, and ordered
be read ag^{ne} this afternoone.

The house adjourns till one a Clock in the Afternoone.

Original Journal. Post Merediem, The house mett againe and being called over, Were present as in the morning.

Representacō of the Honble: S^r Thomas Lawrence Bar-ron^t his Mat^ys Secretary of this province relateing to Ordinary keepers and for preventing contests, being read and in the house Debated. It is

Resolved That Sir: Tho^s Laurence for determining contests that may arise be referred to the Laws in such cases allready provided.

Read the peticōn of the Inhabitants of Prince Georges County w^{ch} foll^o in these Words.

To the Hono^{ble} the house of Delegates.

The ffreeholders and Inhabitants of Prince Georges County humbly Supplicate.

That whereas within the said County there is a Bridge over the Western branch of Patuxent River which is decayed and not passable wth Safety and the main roade for all the inhabitants of S^t Mary's County, Charles County, and the greater parte of Prince Georges County in their passage to and from the Assembly and Provinciall Court lyeing over the Same and also that the County of Prince Georges being but newly made a County and not many taxables and a Poore County and unable to rebuild the s^d Bridge humbly pray that there may be a Bridge built over the said branch in such place as the Justices for the said County shall thinke fitt at the cost and charge of the publick.

And your peticoners as in duty bound shall ever pray &c.

Which being here read and debated, Voted whether the Bridge shall be built at the ch^g of the publick or not. Carried in the Affirmative.

Bill for Releife of Kent and Calvert Countys, and the Bill for Confirmeing Manns Testam^t sent to be engrossed.

Bill against Horse racing on Saturdays, Read the 1st and 2nd time & doe pass.

Kenelm Cheseldyn Esq^r, M^r W^m Hutchinson, M^r Rich^d Tilghman, M^r Jn^o Salter Maj^r Henry Dorsey and M^r Edward Lowe M^r Hugh Eccleston, M^r W^m Harris, M^r Sam^l Young, Maj^r Walter Smith, and Maj^r James Smallwood sent up to his Ex^{cy} and Councill wth the foll^g Bills.

Bill for Religious Worship &c:—

Bill against Horse Raceing on Saturdays.

They Returne and Say they delivered the Bills.

Bill prohibiting the abuses comitted by Woods Rangers brought into the house by the Comittee of Laws. Read the first time and ordered to be read againe to morrow morning.

Coll^o Jn^o Addison, Thomas Brooke Esq^r
 Coll^o John Hamond, Coll^o Edward Loyd,
 Coll^o W^m Holland, and James Saunders Esq^{re}

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from the Honble Councill enters the house and Delivers M^r Speaker the Bill for Religious Worship &^{ca} which was sent up to the Com^{ee} to be engrossed.

The Parragraph in his Ex^{cy} Speech relateing to a Supply of money towards building a Forte at New Yorke was read as also his Mat^{ys} Lre: on that Subject was likewise read. The Consideracōn whereof is referred till a full house to morrow morning.

Thomas Brooke Esq. Coll^o Jn^o Addison, Coll^o John Courts, Coll^o John Hamond, and Coll^o Edward Loyd, enters the house and delivers to the Honb^{le} Speaker a Message from his Ex^{cy} as foll^o viz^t

Gent: Att my first comeing into this province I gave it you under my hand that I would never putt on the least maske of disguise in my actions with you and I hope I have been strictly just in it in all pticulars. Therefore I hold my selfe obliged not to conceale my going for England upon any account or prospect whatsoever, I have sollicitated his Mat^y for leave to goe home for the recovery of my health w^{ch} he has been graciously pleased to grant me.

And in order to it I have some thought of goeing this summer.

Therefore if I cann be of any Signall Service there I will doe it, with the same alacrity and Honesty I have demonstrated to you here and as I came into the province unprejudiced, soe I solemnly declare I shall leave it without the least ill impression as any person whatsoever.

I am Gent: Yo^r most faithfull Serv^t

N. Blakiston.

Which being read in the house it is desired by them that M^r Speaker would please prepare an answer to the same against to morrow morning.

The house adjourns till to Morrow Morning 7 a Clock.

Die Saturnij. March 21 1701/2

The house mett againe and were called over & p^rsent as yesterday.

Bill Prohibiting abuses Comitted by Woods Rangers, Read the 2^d time and voted whether it pass or not. Carried that it doe not pass as it is.

Resolved to be amended.

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The honble Speaker brought in his Answer to his Ex^{cy} Lre :
which being read the house concurs therewith and,
Ordered it be entred as foll^o

May it Please your Ex^{cy}

Wee returne your Excellency our humble thanks for soe freely communicateing to us your designe of goeing to England but are most heartily sorry you finde any uneasiness among us w^{ch} should give you cause to desire to be remooved from a people to whom by your constant candour and Integrity Prudence and discreet Managem^t of Affaires you have given a compleat and entire Sattisfaction w^{ch} in behalfe of the province in Gen^l and of every individuall person in our house in perticular, Wee Gratefully acknowledge (and pray God to bless you and your Good Lady who alsoe has been an Eminent Example of Religion and Vertue) and perticularly wee pray God to bless your hopefull children borne amongst us to be an Honour to their Native Countrey for w^{ch} Children sake wee hope your Ex^{cy} will when in England beare a true respect to this province.

If any business arrizes from this Sessions towards England wee shall desire your Ex^{cys} favour and that you will comand our Duty and Loyalty to our Gracious Sovereigne, Whom God preserve.

Your Ex^{cys} Most humble Serv^{ts}

Signed p order.

W Taylard Clk : house Dell :

Bill for conveying Iurors rejected

The peticōn Jn^o Hawkins of Charles County read and ordered to be allowed 800^l tobb^o

Maj^r W^m Bartons peticōn read and Resolved that the imp^rsonment fees for a Servant boy to be paid by the Co^{ty} and that he produce his acc^t to this house prooved of the Indians fees

Which being delivered into the house was regulated and allowed 5000^l tobb^o in full for the same.

Proposed that M^r W. Bladen be desired to attend this house on Munday morning and bring with him the Errata's of the Laws that the same may be debated pursuant to a reference last Sessions.

Thomas Brooke Esq^r and Coll^o John Hamond enters the house and Delivers the following Message.

Gent : I take your kind Sentiments of me with a Great Sattisfaction and shall look upon it one of the Happynesses of my life you approve my conduct amongst you and when

in England I will wth the blessing of God as soon as it lyes in my power assert the true Interest of this province to the vtmost ability that is within the reach of him that is with all obligacōn

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Gent: Your Most faithfull friend and Serv^t

March 21 1701/2

N. Blakiston

Bill prohibiting Wood Rangers &^e Sent up to his Ex^{cy} and Council by M^r Benj^a Hall and M^r Phillemon Lloyd.

They returne and say they delivered the bill

The Hon^{ble} Coll^o Jn^o Hamōnd and Coll^o Edward Lloyd enters the house and delivers M^r Speaker A Bill prohibiting the abuses of Woods Rangers.

It is mooved by M^r Thomas Beale that whereas there was a publick allowance made him in money Sterling and according to order of this house he had a Draught on M^r Robert Mason then Treas^r for the Western Shore but forasmuch as the said Treasurer died before the mony paid the said M^r Beale applyed himselfe to the Executrix of the said Mason for Sattisfaction but she utterly denied alledging she had none of the publick Stock in her hands therefore pray'd releife

It is therefore Ordered that M^r Kenelm Cheseldyn and George Muschamp Esq. inspect the publick acc^t of M^r Mason and make reporte thereof if any Ball: soe that this house may give M^r Beale Sattisfacōn and releife

Reassumed his Ex^{cys} Speech and his Sacred Ma^{tys} Lre: for supply of money for building a Fort in the Governm^t of New Yorke, and lyes now under debate of this house and Resolved that three hundred pounds Sterling be remitted and it be Signified to his Ex^{cy} by Message.

Maj^r Walter Smith moved this house that he might have leave to go home being much indisposed. Which was by this house granted him and he thereupon departed.

The house adjournes till Munday morning 7 a Clock

Dies Lunæ 23^d March 1701/2

The house mett and were called over, and p^rsent as on Saturday only Maj^r Walter Smith absent haveing Liberty to goe home.

Leiu^t Coll^o Thomas Smith taken sick, M^r Elisha Hall and M^r John Hall enter the house not being p^rsent when called over

The Peticōn of Da^{ll} Yoes of Kent County thereby praying an act for Sale of M^r Mich^a Milbourns Lands for paym^t of his debts was here read, and Resolved that for as much as the

Original
Journal. Exec^s of the said Milburne have noe notice of this peticōn. Therefore the consideracōn thereof is referred to next Sessions of Assembly

Coll^o W^m Whittington a member for Somerset County enters the house and takes his place.

Mooved by a member that whereas the foundacōn of the prison intended to be built is placed on Lowe ground where Comonly there is a settling of water which may prove p^rjudiciall.

Therefore proposed that some more convenient place may be appointed. Upon which it is Resolved it be soe and that M^r Sam^l Young M^r John Whittington and M^r Benjamin Hall be appointed to consult M^r Rich^d Beard about the same and that they make reporte thereof to the house in the Afternoone.

The Honble Coll^o Edward Loyd and James Saunders Esq^r enters the house and Delivers M^r Speaker a Message with a paragraph of Doctor Brays Lre: The Consideracōn whereof is referred to a full house.

The house adjourned till 2 a Clock in the Afternoone.

Post Merediem. The house mett againe all present as in the morning only M^r Sam^l Young, M^r John Dorsey and Maj. Dorsey had liberty to goe upon Election of Delegates for Ann Arundell County.

The peticōn of Dan^l Carning praying an allowance for Re-paring the pasture fence. Read and further referred.

Engrossed Bill for Religious Worship &^c sent to his Ex^{cy} and Councill by George Muschamp Esq^r and Maj^r James Smallwood.

They returne and say they delivered the same.

Reassumed a proposall for inspecting the old Land records, and

Resolved that M^r Phillemon Loyd M^r Elisha Hall, M^r Philip Lynes and Coll^o W^m Whittington goe to the Secretarys office and view and inspect the old records of the land and Reporte to the house in w^t condicōn they are and if it be necessary any of them be transcribed anew.

They Departe and in some small time after enters the house againe and Reporte that they have inspected the records and finde it absolutely necessary that some of the Records be forthwith transcribed anew, and other books to be new bound being now old and much worne &^{ca}

The Consideracōn thereof is further referred.

Coll^o Jn^o Addison and Thomas Brooke Esq^r enter the house and returne.

The Engrossed Bill for Religious Worship &c.

Bill for Naturallizacōn of Hermanus Schee and others &^{ca} Original
The House proceeds to settlement of the fees for those Journal.
Naturallized which is as followeth

To the Honble Speaker

	£	s.	d.
Hermanus Schee	02..	00..	00
Isaack Vanbebber, Gent.	03..	06..	08
Mathias Vanbebber Merch ^t	03..	06..	08
Derrick Collickman	03..	06..	08
James Broward and 3 Sonns	03..	00..	00
Sebastian Owley	02..	00..	00

To M^r W^m Dent Attorney Gen^l

To Hermanus Schee	01..	00..	00
To Isaack Vanbebber Merch ^t	01..	10..	00
Mathias Vanbebber	01..	10..	00
Dennis Colickman	01..	10..	00
James Broward and 3 Sonns	02..	00..	00
Sebastian Owley	01..	00..	00

To W^m Taylard Clk of the house.

Hermanus Schee	00..	10..	00
Isaac Vanbebber Merch ^t	01..	10..	00
Mathias Vanbebber	01..	10..	00
Dennis Collickman	01..	10..	00
James Broward & 3 Sonns	01..	10..	00
Sebastian Owley	01..	00..	00

Coll^o Edward Loyd and Coll^o W^m Holland enters the house and delivers M^r Speaker

Bill prohibiting the abuses of Woods Rangers endorsed.

Comittee of Laws sent downe the Bill for paym^t of rent for Orphans Lands &^c Read 1st time and Ordered to be read againe to morrow.

Bill prohibiting Horse Raceing on Saturdays.

Bill for releife of Kent Calvert Countys.

Bill prohibiting the abuses of Woods Rangers.

Bill Confirmeing Manns Testament

Bill for Naturallization of Herman^s Schee and others.

All engrossed and sent to his Ex^{cy} and Councill with the orriginall Bills By Coll^o William Whittington and M^r Math^s Vanderhayden.

The house adjournes till to morrow morning 7 a Clock.

Original
Journal.

Die Martis, March 24th 1701/2.

The house mett againe and were p^rsent as yesterday.

Leiu^t Coll^o Thomas Smith enters the house, M^r W^m Bladen Clk: of the Hon^{ble} Councill enters the house and Delivers M^r Speaker the Indentures for Election of Delegates for Ann Arr^{el} County.

The paragraph of Doct^r Brays Lre: and his Ex^{cs} Message thereon read, viz:

I must not omitt to lett yo^r Ex^{cy} know that the burthen has laid extraordinary upon me, I have been at very great charges wth Councill and other wise while the affaire of the Law lay before the Boarde of Trade and when the Quakers could not gett their end their but that a new bill would be sent back with the Kings recommendation to be pass'd into a Law they did then peticōn his Maty: to be heard in Councill ag^t it, where I was also ordered to appeare with my Councill on the behalfe of the Countrey of their proceedings and of this Bill now to be Sent, Which hearing alone did cost me neere twenty pounds.

I bless God the victory was very easy to the Argument and the inclination of the Court was and is as great as I could desire to doe us right but It is upon too unequall terms that a private and a Single purse must maintaine the cause of the Countrey ag^t a whole party my owne time and paines in this affaire I willingly make an offering of togeather with w^t other Services have been done to the Countrey but as to money out of pockett in solliciteing an affaire of the greatest importance to Maryland I shall Expect to be reimbursed which was upwards of fifty pounds and I humbly recomend it to yo^r Ex^{cy} to represent this to the next Assembly.

By his Ex^{cy} the Gov^r and Councill, March the 23^d 1701/2

The above is a Coppy of a parragraph of the Reverend Doctor Bray's Lrē: to his Ex^{cy} the Gov^r and this Board doe recomend it to the house that you would consider of the charge the said Doctor Bray has been at for the Service of this Province for the credit of which it is not doubted but you will be ready to reimburse him w^t he mencōns to have expended.

Signed p Order
W. Bladen Clk: Councill.

Voted whether he shall be reimbursed his money by the publick or not. Carried by the Majority of votes that he be allowed 50^l Sterling in Sattisfaction of what the said Doctor Bray has disbursed in negotiating the said affaire about the Act for religious Worship.

Mr W^m Harris Mr Phill. Loyd and George Muschamp Esq^{re} Original
a Committee appointed for Elections and priviledges sent out Journal.
and the Indentures delivered for Ann Arundell County delegates.

Peticōn of Maj^r James Maxwell read and the consideration thereof is referred to the Committee of accounts.

The acc^t of Coll^o Loyd for cleaning of Arms in Talbott County was here Read and Resolved the same be satisfied.

Therefore ordered th^t it be endorsed, To his Ex^{cy} for satisfaccōn thereof which was accordingly done.

Mr W^m Dent produced his account for cleaning of Arms in Charles County am^o to 09^l.. 18^s.. 6^d which was here read and approved and ordered to be endorsed to desire his Ex^{cy} to pay the same according to ordinance of Assembly.

Coll^o Edw^d Loyd and Coll^o W^m Holland enter the house and delivers Mr Speaker the following Engrossed Bills.

Bill prohibiting abuses comitted by Wood's Rangers.

Bill prohibiting horse races on Saturdays.

Bill confirmeing Manns Testament.

Bill for Releife of Kent and Calvert County's.

Bill for Naturalization of Hermanus Schee and others, together with the originalls

Committee of Election and priviledges enters the house and Reports that Mr Charles Greenberry and Mr Lawrence Draper are only Elected for Ann Arundell County.

Resolved Nemine Contradicente th^t a p^rsent of ffower hundred pounds Sterling be made his Ex^{cy} for his signall Services done to this province and message for that purpose sent as foll^o viz:

By the house of Delegates March 24th 1701/2

May it please Your Ex^{cy}

We doe againe acknowledge your Ex^{cy} wise and just conduct and Government and the care you have taken to lessen the charge & Expences of this province which wee are sensibly affected with and as a gratefull recognicōn thereof we desire your Ex^{cy} to accept of fower hundred pounds Str: to be paid out of the first money that cann be raized after those burthens that are upon us.

Signed p order. W Taylard Clk: house Dell:

Maj^r Charles Greenberry and Mr Lawrence Draper two Dellegates elected for Ann Arundell County enters the house.

Ordered that Mr Sam^l Young and Mr Mathias Vanderhayden goe up to his Ex^{cy} and Councill to see them sworne.

They returne and say they have seen them sworne accordingly.

Original Journal. George Muschamp Esq^r Kenelm Cheseldyne Esq^r M^r John Salter, M^r Phill^o Loyd M^r Jacob Loockerman Coll^o W^m Whittington, M^r Mathias Vanderhayden M^r Edward Dorsey M^r Sam^l Young M^r Tho^s Greenfield, M^r Elisha Hall and Maj^r W^m Dent are sent up with an answer to his Ex^{cy} Speech relateing to the Affaires of New Yorke which is as followeth viz:

May it please Your Ex^{cy}

His Ma^{ty} Lre: of the 19th of Ianuary 1701/2 and your Ex^{cy} Speech on that Subject touching a supply of money to New Yorke has been seriously debated and considered and our Loyalty and Duty to his Mat^y haveing carried us on thro' all other difficulty's and obstructions we have resolved on a supply of money to the utmost degree of what we have or cann by any ways or means attaine to w^{ch} with trouble of minde wee are forced to acknowledge will not amount to above three hundred pounds w^{ch} altho' it be not the whole sūme mencōned

Yett it is all we have or cann gett and by w^{ch} we are constrained to leave some just debt of the publick unpaid and our selves in a weake State of defence ag^t our cōmō enemy the Indians who are daily anoying our ffrontiers.

And because wee have great reason to believe that our neighbours of New Yorke has not used us fairly in their rep^resenting our condition to his most sacred Majesty otherwise thⁿ what it really is and are well assured that it would be much more for his Ma^{ty} Service to apply the said money and all the Strength we are able to exert to the defence of this his Maj^{ty}s Province of Maryland in as great or greater danger then New Yorke and not to th^m who are much abler to defend themselves then wee and frome whose fortifications or other strength wee cann have noe manner of Safety or Security.

Wee beseech your Ex^{cy} plainly and Sincerely to represent the truth of our condicōn to his Mat^{ys} imploreing his Mat^{ys} Grace and favour to make good these assertions which are plain matter of fact and undoubted truths.

1. That the Indians of New Yorke have as easy and open access to us as to them who being a light flying wild barbarous kind of enemy are not obliged by the carriage of any baggage or artillery to keep the improved roads or pass by our fforts but cann easily and Suddenly descend upon us over the unbeaten and unoccupied mountaines as wee have found by Experience.

2^{dly} Wee have severall nations of Indians on our ffrontieres some between us and New Yorke and some to the Westward of us wide of New Yorke and some amongst us who are frequently comitting rapines and Murders on our frontier Inhabitants to secure whom as well as the province in Gen^l this

province has within this three yeares been at the charge of many hundred thousand pounds of tobb^o and tho' wee have for this last three or fower months been quiett by the Winter Season yett wee are in great fears of new Incursions in the spring having noe assurance of their faithfulness to us.

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3^{rdly} We have noe means of raizeing money but by imposition on goods Exported and imported of w^{ch} comoditys as to the exportacōn of Tobb^o is twenty times more then all the rest and in laying anything on that, wee are constrained to be very tender by occasion of the duty payable in England and the Com^{on} that is thereby advanced to the merchant to whom the same is consigned for Sale.

4. To raise money by Tax on the Inhabitants is utterly impracticable for severall hundred familys, nay the greatest parte of the whole province have not five Shillings by them nor any means to raize it because their is very little among us and that a base Coyne that is not currant wth our neighbours, nor have wee any liberty yett from his Maj^{ty} to advance coyne soe as to introduce it among us by means whereof the best in the province are some times putt to streights to procure money for their travailing pockett Expences.

5^{ly} This Province have Severall times heretofore been reduced to very great Extremity and danger by these very nations on our back to the impoverishing and allmost destruction of the men and substance of the province which wee allways sustained without any assistance from New Yorke or any other neighbour Governm^t Except Virginia who was equally concerned in the same at some times.

6^{thly} The great charge wee have lately been at in Raiseing money and Tobb^o to build Stadt house ffreeschoole Church and prison on a new seat of Governm^t at Annapolis has putt on us another great burthen and is not yett fully discharged.

7 That it may be considered how farr our money will compass the designed end when all our neighbours (under better circumstances then wee) has not answered their proporcōn and how discourageing it will be to us to remitt our treasure and Strength to New Yorke and lay our nakedness and defenceless condicōn open to our afs^d Enemys while our neighbours retayne their strength for there owne defence, and w^{ch} wee believe it the best service to his Maj^{ty}

8^{ly} Lett it be considered that two thousand pounds of Tob^o p Yeare is one with another what every labourer makes in this province, and that none but labourers or the best in the province cann be sent to make up the Quota of men demanded and it will easily be found (considering the inabillity to us of raiseing of money) and the duty tobb^o pays at home that the maintaining the Quota of Men menconed will ruin

Original Journal. this province in one yeare and lessen his Mat^{ys} revenue more then double the sune that we pay besides the danger of this province being over runn and destroyed by Salvages in the meantime.

9^{thly} And that his Maj^{ty} on consideracōn thereof and his gracious regards for our Safety will be pleased to Exempt us from th^t or any other contribution to New York and direct that the s^d money or w^t other Strength wee cann raise may be applyed to the defence of this his province of Maryland ag^t the Incursions of his Maj^{tys} and our enemys. That soe wee with comfort and Quiett apply ourselves to our Manufactures of Tobb^o for our owne Supporte and increase of his Maj^{ts} revenue.

The house adjournes till 2 a Clock in the Afternoone.

Post Mered. the house mett according to adjournment. and were all p^rsent as in the morning.

Bill Engrossed prohibiting horse races on Satturday.

Bill for p^rservation of Orphans Estates Read the 1 & 2^d time and pass. And are sent up to his Ex^{cy} and Councill by M^r John Salter and M^r Charl. Greenberry, who ret. and say they delivered the same.

The Peticōn of Jonathan Price a Seaman for allowance was here read and rejected.

An Account of Jn ^o Bateman for an allow-	£	s	d
ance of	08..	14..	00
An Acc ^t of Mycajah Perry for an allowance of	11..	16..	00

Were produced and Read in the house but forasmuch as the same acc^{ts} were not proved nor signed by any p^rson.

It is Resolved both accounts be rejected.

Thomas Brooke Esq^r Coll^o Jn^o Hamond Coll^o Edward Loyd and M^r James Saunders, enters the house and brings with them

A Bill for p^rservation of Orphans Reall Estate, Endorsed.

Read 1st and 2^d time and agreed to

W^m Bladen Clk Councill.

And the following Message brought down with it.

By his Ex^{cy} the Gov^r and his Maj^{ts} Councill in
Assembly March 24th 1701/2

This Board doe willingly concurr with the offer of the house of Delegates and desire his Ex^{cy} to accept thereof who returns this Gen^l Assembly his hearty thanks.

Signed p order, W Bladen clk Councill.

A Peticōn of M^r Xpher Goodhand of Kent Island, Read Original Journal.
and in regard it came into the house soe late it is

Resolved it be referred till the next Sessions.

The Peticōn of Dan^l Canning Gatekeeper relateing to the repaires of the Towne ffence. Was againe read and, Resolved the same fence be repaired. And ordered that the said Canning cause the same to be repaired for w^{ch} he shall be Satisfied at Laying the Leavy.

The Message and paragraph of the Lords Comm^{rs} of Trade and plantacōns Lre: Which his Ex^{cy} to this house brought in this day from the honb^{le} Councill was also read and

Ordered the same be againe read and answered to morrow morning.

The peticōn of Gerrard Sly of S^t Marys Co^{ty} merchant for an allowance for a house &^c burnt in Service in the time of the revolucōn was here read and debated.

And Resolved the same be wholly rejected.

Another peticōn of the said Gerrard Slys wherein he prays for redress that writt of restitution be awarded upon the reversall of Iudgement had before his Ex^{cy} and Councill wherein Erroneous Judg^t was granted ag^t him in the prov^l court upon an Indictm^t a^t of his Maj^{ty} &^c Was alsoe read and debated and is by the house Resolved it be rejected, foras-much as he have releife at the Comon Law, and is referred to the Court of appeales for restitucion if any of right belongs to him.

And another peticon relateing to the Execution of one ffield for Debt and costs. De novo Read, this house rejects the same and referrs the peticoner to the Comon Law for his reliefe.

Proposall relateing to the old records of Lands was re-assumed and ordered that such books of the Land Records that are much worne and dampnified be brought into the house for their prusal.

Which being brought downe by the clerk of the prov^l Court the house p^rused them and findeing that some wants transcribing and others to be a new bound therefore resolved that such books or some parte thereof as are most worne be forthwith transcribed and others wanting may be a new bound with good covers if to be had or made.

It was thereupon proposed to W Taylard clk: of the prov^l Court whether he would undertake the same and satisfaction therefore shalbe made him by the publick.

W^m Taylard being p^rsent in the house undertook to use his endeavour for transcribing those land Records w^{ch} wants and will endeavour to gett the other books new bound, Soe that he be considered for w^t shalbe done by the next fall to be

Original Journal. satisfied the next Leavy. And if not then compleate, the remaind^r to be considered of and Satisfied by the next Sessions of Assembly. To all w^{ch} this house agreed.

The peticoⁿ of Evan Jones Clk: of this Parrish was read and is Rejected. The house adjournes till to morrow morning 7 a Clock.

Dies Mercurij. 25 March 1702.

The house againe mett and being called over

Were all present as Yesterday.

The Message brought in yesterday wth a Coppy of a paragraph of a Lre: was read as foll.

A Coppy of a paragraph of the R^t Hon: the Lords Commiss^r of trade and plantacoⁿs Lre: to his Ex^{cy} the Gov^r of the 4th of Sep^r 1701.

Wee wonder the Assembly should not thinke fitt to constitute an Agent for Soliciting there affaire here, there are many occasions tho' not at our Board in w^{ch} business cannot be done without some charge and great inconveniencys have often arrizen by the delay of reports upon some Laws and otherwise, all w^{ch} will growe worse and worse if some fitt person be not appointed to looke after such like matters.

By the Councill in Assembly March 24th 1701/2

Gent:—

Wee have sent you the Coppy of a Paragraph of the hono^r the Lords of trade and Plantacoⁿs Lre: to his Ex^{cy} the Gov^r by which you may perceive, how deficient their said Lordsp^s: doe thinke wee are to our selves in not appointing some fitt person to Sollicite our affaires in England which are often times delayed and sometimes wholly miscarry for want thereof.

Wherefore in regard his Ex^{cy} our p^rsent Gov^r is now shortly intended for England of whose provident care wee have all possible assureance and is willing to take that trouble upon him proposeing for one yeares time to bestow his application therein Gratis for the good will he has for the Countrey and afterwards at the rate of one hundred and Twenty pounds Sterling per annum, or if you shall thinke that too much, upon such termes as you yo^r selves shall thinke fitt and to continue in such agency untill the Assembly shall by their Lre: Signify that they have noe longer occasion for to make use of him.

Wee doe desire of you to consider of what advantage his
said Ex^{cy}s good application may be to us and accept of the
sd offer.

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Signed p Order
W. Bladen Clk. Concil:

And likewise was read the foll. Lre: from his Ex^{cy}

Gent :

I being with Gods assistance bound for England I will
with the uttmost of my power serve you as effectually as I
cann in your business of New Yorke but I would not have
you to be mistaken to thinke that I am that considerable per-
son as to have the hono^r of his Mat^{ys} Eare, But I will make
my application to that Honble Board the Lords Comm^{rs} of
Trade who under his Mat^y: are the patrons of the plantacōns
and if their Lordsp^s shall Iudge it necessary I shall represent
your case to his Ma^{ty} by way of Memoriall or by what other
way or methods their Lo^{ps} shall Judge most proper.

Gent: I am to returne you my uttmost acknowledgements
for yo^r generous donation beyond my hopes much more my
good Intentions of Serving you, are encouraged and the
favour is doubled by doing it at a time when I am goeing to
leave you and believe me I am not linked to your Service by
interest but by a sincerity and a traine of obligacōns.

What the Gent: of his Maty^s Councill have offered to your
consideracōn about an agent I am ready to give you my Ser-
vice for the first yeare Gratis and if you thinke what they have
proposed to Exceed yo^r Inclinacon you shall make yo^r owne
termes for I am very ambitious to approve myselfe

Gent: yo^r most obliged faithfull Serv^t

N. Blakiston.

March the 24th 1701/2.

Which being read in the house it is

Resolved that his Ex^{cy} be desired to except the same upon
such termes. To which this house concurs, and,

Ordered, that a Message be prepared and sent for that
purpose, which follows.

By the House of Delegates March the 25th 1702.

The message sent yesterday touching an Agent for this
province and the opinion of his Mat^{ys} most hon^{ble} Councill and
their proposall with his Ex^{cy}s kind and generous offer to assist
us therein has been read and Considered on and its

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Resolved by an vnanimous consent that his Ex^{cy} be and is hereby appointed Agent for this province upon the terms proposed which wee thankfully accept the time to comēce from his Ex^{cys} first arrivall in England.

Signed p order,
W Taylard Clk: house Dell.

And Resolved Nemine Contradicente that the Treasurer of the Western Shore Imediately pay his Ex^{cy} the Gov^r the sume of two hundred pounds Sterling the Moyety of the donation and that this Resolve shalbe his Warrant.

Ordered that the same be signed by the Clerk of the house and sent up to the honble Councill.

M^r W^m Hutcheson and M^r Philip Lynes sent to the honble Councill with the Bill for Orphans Estates and a Coppy of the above Resolve Signed p the clerke.

They returne and say they Delivered the same.

Bill for apporcōning the Leavy Read the 1 and 2^d time and doe pass.

M^r W^m Harris, M^r Jacob Lookerman, M^r Sam^l Young, Maj^r Ja^s Smallwood, M^r Benjⁿ Hall and M^r Thomas Beale are sent to his Ex^{cy} and hono^{ble} Councill with the aforegoing Message relateing to the agency and the Bill for apporconing the publick Leavy.

They returne and say they delivered the same.

From the hon^{ble} Councill Coll^o Edward Loyd and Coll^o W^m Holland enters the house and delivers M^r Speaker the following Message with an address to his most sacred Maty: &c—, which Message follows viz^t

By the Gov^r and Councill in Assembly, March 24th 1701/2

Gent: The address herewith proposed for your house to joyne in to his Maty: if you shall think fitt with his Ex^{cy} and the members of this Board besides w^{ch} noe other matters of Import will impede the conclusion of this Sessions

Signed by Order
W. Bladen Clk: Councill

Which being here read and the said Address signed by his Ex^{cy} and the hono^{ble} Councill this house concurs therewith and accordingly signed the same

The peticoⁿ of Doctor Mordecay Moore praying an allowance of rebate upon imported negroes dead &c. Read and rejected

M^r John Bosman a member of this for Somerset County enters the house ond shewd that by means of the badness of

winds and weather could not give his sooner attendance which
excuse was approved on and he tooke his place

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Coll^o Jn^o Hamond and M^r James Saunders from the Councill
enters the house and delivers M^r Speaker The Bill for appor-
coning the Publick Leavy

Which was sent up to be engrossed

The Committee for Stateing the publick acco^{ts} enters the
house and bring with them their Journall which was read the
first and 2^d time and assented to and was sent up to the hon^{ble}
Councill by L^t Coll^o Thomas Smith, M^r Sam^{ll} Young and M^r
John Smith.

They returne and say they delivered the same

The Gent: appointed to view the place intended for build-
ing a new Prison. Reports the place where the foundacōn is
intended is very ill convenient and advise that there is a place
neare it on a more riseing Ground is very convenient

Thereupon it is ordered that M^r Sam^{ll} Young advise the
undertaker th^t the prison be built on that place

M^r W^m Bladen clk. of the hon^{ble} Councill enters the house
and brings with him the Journall of the publick acc^{ts} assented
to by his Ex^{cy} and Councill And alsoe delivers M^r Speaker an
Indenture of the Election of a member for Somersett County

Mooved by a member that forasmuch as M^r Edward Topp
a Minister attended the hon^{ble} Councill this Sessions ought to
have some allowance.

Resolved that he be allowed fflower pounds Sterling for his
attendance at laying the next publick Leavy in October

The Gent: of the Committee for Elections &^c are ordered
to goe out and enquire into the Election of M^r Peter Dent a
member for Somersett County

M^r Speaker delivered them the Indenture and they with-
drew to consider thereof.

The Comittee soon after entered the house and Report that
M^r Peter Dent is duely elected for Somerset County.

And ordered that M^r John Hall and M^r John Bozman at-
tend M^r Peter Dent to his Ex^{cy} and Councill to see him Sworne

They returne and say they saw him quallified and soe took
his place in the house.

Bill for apporcōning the publick Leavy engrossed sent up
to his Ex^{cy} and Councill for their assent

Coll^o John Hamond and James Saunders Esq^r from the
honble Councill enters the house and delivers M^r Speaker the
Bill for apporcōning the publick Leavy Endorsed

Assented to by his Ex^{cy} and Councill, March 25 1702

Signed p order. W Bladen clk. Councill

The same Bill was assented to by the house of Dellegates

Eod Die p order

W Taylard Clk house Dell:

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M^r Phillemon Loyd and M^r Benjamin Hall sent up to the honl. Councill with the severall proposed Bills engrossed and are ord^d to desire that they may be affixed and made ready and th^t this house wilbe ready to attend his Ex^{cy} in the After-noonne or when his Ex^{cy} shall please to comand them.

They returne and say they delivered their Message.

And soe the house adjourned till two a Clock in the After-noonne

Post Mered^m:—The house mett again according to adjournm^t and being called over were all present as in the morning

M^r W^m Bladen clk of his Mat^{ys} hon^{ble} Councill enters the house and informs M^r Speaker that his Ex^{cy} Comands him and the whole house to attend him at the Councill Chamber to compleate this Sessions of Assembly

Thereupon M^r Speaker and the rest of the Members attend his Ex^{cy} Comands at the Councill chamber.

Att the Councill Chamber M^r Speaker p^rsented his Ex^{cy} the severall Bills made this Sessions

To which his Ex^{cy} was pleased to give his assent thereto by endorseing them severally in these words viz^t

March 25th 1702

On behalfe of his most Sacred Maj^{ty}s King William the third
&c I will these to be Laws

N. Blakiston

W^{ch} being done his Ex^{cy} was pleased to Seale them with the Broad Seale of this province, which laws being soe signed and sealed

His Ex^{cy} was pleased to acquaint this house that he thought it convenient for his Maty^s Service to prorogue them untill the twenty fifth day of Aprill next at which time if there be no occasion of their meeting he would after give them timely notice.

Thereupon M^r Speaker and the rest of the Members were prorogued accordingly

Soe ended the Second Sessions of Assembly on Wednesday the 25th day of March Anno Dni. 1702 and in the 14th yeare of the Reigne of our Sovereigne Lord W^m the third by the Grace of God of Engl^d, Scotl^d, ffrance and Ireland King defender of the faith &c

W. Taylard, Clk: house Dell.

ACTS

Att a Sessions of Assembly Begun and held att the Port of Annapolis in the Province of Maryland On the Sixteenth day of March Anno Domini 1701/2

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An Act for the Establishm^t of Religious Worsh^{pp} in this Province According to the Church of England: and for the Maintenance of Ministers.

For as much as in well grounded Xpiom comon Wealths Matter concerning Religion and the honour of God ought in the ffirst place, to be taken into consideration. And honest Endeavour to Attaine to such good end Countenanced and Encouraged as being not only most Acceptable to God; but the best way and Means to Obtaine his mercy and blessing upon a People or Country. Be it therefore Enacted by the Kings most Excellent Maty by and with the Advise and consent of this present Generall Assembly; And by the Authority of the same that the book of Common prayer and Administracon of the Sacraments with other Rites and Ceremonys of the Church According to the use of the Church of England; The Psalter or Psalmes of David. And Morning and Evening Prayer therein Conteyned be Sollemnly read by all and Every Minister or Reader in Every Church which now is or here after shall be settled and Established within this Province, And that all Congregations and Places for Publick Worshipp according to the usage of the Church of England within this Province for the Maintenance of whose Ministers, and the persons Officiateing therein any certaine income or Revenue is or shall by the Laws of this Province be Established and Enjoynd to be raised or paid shall be deemed Settled and Establish-
ed Churches; And for the Encouragem^t of ffaithfull and
able Ministers Labouring in the Worke of the Gospell to some
and reside in this Province Bee it Enacted by the Authority
aforesaid that a Tax or Assesm^t of Forty pound of Tob^o p Poll
be Yearly and every Year Successively Levy^d upon every
Taxable Person wthin each respective Parish wthin this Prov-
ince. As they have beene; now are or here After shall be
laid out Limitted or Appointed; by Laws of this Province;
And enterd upon Record As the said fformer Laws therein
did Direct. Which said Assessm^t of fforty pounds of Tob^o p
Poll shall alwayes be Paid and Allowed to the Minister of each

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Lib. L. L. respective Parish haveing noe other Benifice to Officiate in ;
 No. 2. Presented ; inducted or Appoynted by his Excell^y the Govern-
 our or Comāder in Cheife for the tyme being And every such
 Minister is hereby Required and Enjoynd to Appoynt And
 Constantly to Keep a Clerk of Such Parish Church ; and to
 pay and Satisfye such Clerk the Summe of One Thousand
 Pounds of Tob^o yearly and Every year out of the said ffourty
 p Poll ; And to prevent all illegall and Vnlawfull Marrages ;
 not allowable by the Church of England ; but forbidden by
 the Table of Marrages. Bee it Enacted by the Authority
 aforesaid ; That noe Minister, Preist or Magistrate shall Pre-
 sume to joyne Together in Marriage any Person whatsoever
 Contrary to the Table of Marriage ; by this Act appoynted to
 be sett up ; in Every Parish Church wth in this Province ;
 Vnder the penalty of ffive Thousand pounds of Tob^o Nor
 shall any Person fforbidden to Intermarry by such Table of
 Marriage p'sume to be joynd in Marriage Vnder the Like
 Penalty of ffive Thousand pounds of Tob^o such Penalty and
 fforfeiture ; on either side ; to be made to our Sovereigne
 Lord the King ; his heires and Successors, for the uses in
 this Act hereafter menconed ; And to prevent Any Lay Per-
 sons ffrom Joyning any Persons in Marriage ; Where any
 p. 403 Minister or Prest cann be had ; And to Assertaine what shall
 be paid for Marrages ; Bee it likewise Enacted by the
 Authority Aforesaid ; th' in every Parish where any Minister
 or Incumbent shall reside & have Charge of Souls therein ;
 noe Justice or Majestrate being a Lay man shall Joyne any
 Person in Marriage ; Vnder the Penalty of ffive Thousand
 Pounds of Tob^o ffor such Offence ; To our Sovereigne Lord
 the King ; As aforesaid ; And it shall be Lawfull to every
 Minister ; To take and receive of Every Person or Persons
 by him Married the Summe of ffive shillings Ster and noe more.
 Provided such Persons come to such Parish Church or Chap-
 pell at time of Divine Service for Solemnizeing such Marriage
 And for the better and more Effectually collecting the said
 Duty of ffourty Pound of Tob^o p Poll ; And paying the same
 to the uses by the Law intended and Appoynted ; Bee it
 Enacted that the Sherriffe of each Severall County shall and
 is hereby obliged to Collect and gather the said Assessm^t of
 ffourty p Poll of the Severall persons within each respective
 Parish in his County ; in the same mañer. And by the same
 Authority as the Publick and County Levys are Collected ;
 and shall pay the same ffourty Pounds p Poll to the Minister
 or incumbent in each respective Parish ; And the better to
 Promote the Execution of the good Laws of this Province ;
 soe farr as Concerns the Respective Parishes. And for the
 more Easey Dispatch of Parish Buisness ; Bee it ffurther

Enacted by the Authority aforesaid, by and wth the Advice and Consent aforesaid; that there be Select Vestrys, in each Parish of this Province; And that the severall Vestrymen of the Severall Parishes within this Province, That now are or hereafter shall be Chosen, be such select Vestry; Of which Vestry the Number shall always be Six at least. Except upon Death or Resignation or other Discharge of any of them; according to the Provision herein made, To that purpose And in such case of Death or Resignacon or other Legall Discharge from serveing the remaineing part of such Vestrys shall wthall convenient Speed Sumon & Appoynt a Generall meeting of all the Inhabitants of the said Parish; Who are ffree holders within the same Parish; and Contribute to the Public Taxes & Charges of the said Parish; who shall by Majority of Voyces Collect and Choose one or more Sober and Discreet Person or persons ffreeholders of each Respective Parish; To supply such Vacansye And such Person or Persons soe Ellected and Chosen; shall take the Vsual oath appoynted by Act of Parliament instead of the Oath of Allegiance and Supremacy; And the ffollowing Oaths viz. I doe Solemnly Swear and Declare that I will Justly and truly Execute the trust or Office of a Vestryman of this Parish. According to my best skill and Knowledge; wthout Prjudice ffavour or Affeccion w^{ch} said Oath at the Elleccon of a New Vestry are to be Administred by any Justice of the Peace of the County; City or Place; where such Vestry is who is hereby required and Impowered to Administer the same. And upon Elleccon Afterwards either by A Justice of Peace as aforesaid or the ffirst Vestryman who is hereby likewise required & Impowered to Administer the same; And each person soe Elected and Chosen; shall likewise subscribe the Test; And alsoe the Association and haveing soe Done, and not before shall be Deemed and taken as one of the Vestry. To all intents and purposes. And it is hereby further ordained & Enacted by the Consent and Authority afores^d that Two new Vestrymen shall be Annually Chosen in the places of Two Others who shall be Left out; To w^{ch} purpose all the Inhabitants of every Parish being ffreeholders within the same Parish; And contributeing to the Publick Taxes, and Charges thereof, or such of them as shall think fitt to Attend; shall repaire to their respective Parish Churches, every Year Successively upon Easter Munday. And there by their ffree Choyce, declare what Two Persons shall be Discharged from their being Vestrymen; And Chuse Two others Qualify'd according to this Present Act; in their stead & Room who takeing the Oaths and performing all other things required by this present Act or other the Laws of this Province for Vestrymen; shall

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Lib. L. L. be Deemed and taken to be members of the said Vestry ;
 No. 2. To all intents and purposes. Provided alwayes that in every Parish where any Minister or Incumbent is or shall be Lawfully according to the Laws and usages of this Province Appointed; and in possession of any Liveing invested wth the 40 p Poll; and resideing therein he shall Dureing the continuance afores^d and noe longer, be one of the Vestry of such Parish; and Principall of such Vestry; Although there be the Number of Six persons or more beside; And for keeping a faire Register of all such Vestrys proceedings and for Registring of all births Marriages and Burialls; in each Respective Parish. Bee it Enacted by the Authority advise and consent aforesaid. That each Vestry shall and is hereby Obliged to provide a fitt Person for a Register; who shall at all times keep a true and faire Registry of the Seväll proceeds of Such Vestry from time to time in Executeing their trust and Authority; and making just and true entry's thereof, which Person soe to be Appointed for keeping such Registry, shall take the Oath substituted in the place of the oaths of Allegiance and Supremacy and Subscribe the Test and Association; and alsoe an oath to be given him by the said Vestry; which oath the said Vestry are hereby impowered To Administer accordingly for the due and ffaithfull Executeing his said Office; before he shall be Admitted into the said Office; And shall make due entry of all Vestry proceedings, and of all Births, Marriages and Burrials (Negroes and Mullattoes excepted) That is to say the Christian and Sir name; with the day moneth and year of every such Births, Marriages or Burryalls; To w^{ch} purpose all and every the Inhabitants of each Parish that are either Parent, Guardians, Overseers, Masters or Mistresses of any person, borne, Married or buried, are hereby Injoynd and required, To give Notice, To the Register of such Parish within Two Moneths after such Birth, Marriage or Buriall; and pay him six pence for entrying it at the time of giveing Notice aforesaid under the Penalty of one hundred pounds of Tob^o To be forfeited by such Inhabitants Aforesaid; Refuseing or neglecting as aforesaid under the penalty of one hundred pounds of Tob^o To be fforfeited by such Register refuseing or neglecting to enter it; haveing received his fee for the same. And such Register is hereby Obliged To shew any Person or Persons Reasonably desireing it any such Register, give a Cert. of any Births, Marriages, or Burialls That shall be reasonably required of him; and shall have for his ffees from such person; Six pence, for any Search, and Six pence for any Copy or Cert given as aforesaid and noe more; hereby Ratefying & confirming as Vallid all Registers, or Entrys of any Births, Marriages, or

Burialls heretofore made, with any Clarke of any County Court according to the direccōns of such Laws, as were then in force, before any of those Laws were in being. And that the Register of each Parish may be enabled to performe the Charge hereby required of him. Bee it Enacted by the Authority Advise and consent Aforesaid, That if there be any Vestry of any Parishes that has not already Provided good and Substantiall Writeing books: well bound sufficient for registering such proceedings, in according to the direccōns of the former Laws: that in every such case of such neglect or omission the Vestry of such parish shall at the Parish charge, Provide such book or books w^hin Six moneths from the end of this Session of Assembly under the Penalty of ffive hundred pounds of Tob^o each Vestryman (the Minister only excepted) neglecting as aforesaid. To our Sovereigne Lord the King, for the uses within mencōned: And that there may be noe neglect in the Vestry of those Employ'd under them in the Lawfull and conscionable Performance of theire Severall charges. The said severall Vestrys are hereby obliged to meet once in every moneth, or as often as need shall require upon publick notice given by the Principall Vestryman of each Parish To Consult of the methods and ways of performing the severall Authorities reposed in them. And from which Vestry soe Appointed, noe Vestryman being Personally summoned shall without a Lawfull or reasonable Excuse Absent himselfe under the Penalty of such fine or Mulct as the residue of the said Vestry meeting shall Lay upon them, soe as the same never Exceeds One hundred pounds of Tob^o and upon default or neglect in such Principall Vestryman as is before menconed to Sumon a Vestry when there is need for one, and he is thereunto requested any other Three of the Vestry or if there shall happen by any Accident To be but Two of the said Vestry, beside the principall Vestryman resideing in the said Parish, such Three or Two shall have power and Authority To Sumon and Appoint a Vestry to be holden: And all such omission and neglects to be noted in the Vestrys Reg^r of proceedings And any forfeiture thereby incur'd to be recovered in his Matyes name and the said severall and respective Vestrys are hereby further Enjoynd That where there is not Tables of Marriages already put up in theire respective Parish Churches, with all convenient Speed, and within Six moneths at the most To procure a faire Table of Marriages Transcribed and sett up In theire respective Churches, and the same keep continually in their said Churches and persons being thereby informed what Marriages are forbidden may avoyd the contracting of any such unlawfull marriages. And that the said Vestrymen & the rest of the Inhabitants of every Parish being free holders

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Lib. I. l. within the same Parish and contributeing to the Publick Taxes
No. 2. and charges there doe once every year upon Easter Munday
yearly make Choyce and Appoint Two sober and Discreet
Persons freeholders of their respective Parishes: To be
Church Wardens for that year. All the Inhabitants of every
Parish, being freeholders within the same Parish and contri-
buteing to the Publick Taxes and charges thereof. Have in
Liberty alsoe To vote in the Choyce of Church wardens each
Vestryman Expecting as before Excepted being under the
Penalty of Two hundred pounds of Tob^o for neglecting either
to procure a Table of Marriages or to Appoynt Church War-
dens; To our Sovereigne Lord the King as aforesaid, which
Church Wardens soe Chosen shall Take the usuall Oaths.
And likewise declare on his Oath to be Administred unto him
by the Vestry to whome power is hereby given. To Admi-
nister the same Accordingly: well and ffaithfully to Execute
that Office for the Ensueing year: According to the Lawes
and Usages of the said Province to the best of his Skill and
power and untill he shall be thereof duly Discharged. And
any such person or persons soe Chosen Church Warden or
Wardens: that shall wilfully refuse To Serve in the said Office
and take the Oaths aforesaid: shall be find one thousand
pounds of Tob^o To our Sovereigne Lord the King: And the
Church Wardens and Vestry are Authorized and required
To take constant care To satisfye and pay the Parochiall
charges and all necessary repaires and amendm^{ts} of their
respective Churches, Chapells or Church yards, and cause the
same at all time to be repaired and Amended as need shall
require: out of such gifts goods or Chattles, as shall come to
their hands for the Church or Parish use: and the payment
of with Parochiall charges. All the ffines forfeitures and
Mulcts, by this Law incurr'd shall be Levyed by the Church
Wardens in each respective Parish. And by them accordingly
Applied; and in Case they shall not have sufficient Effects
to pay Parochiall charges as aforesaid or to make such neces-
sary repaires as is required: Then and not otherwise it shall
be Lawfull for the Justices of the County Courts upon Apply-
cacon of such parish Vestry and Church Wardens, To Assess
the respective parishes by a certaine sume of Tob^o not exceed-
ing Tenn pounds of Tob^o by the Poll in any one year: which
Assessm^t made by such County Court: And a Certifycate
thereof under the County Seale shall be sufficient to the
Sherriff of such County to Levy such Tax by the Poll on
the Taxables of such Parishes in the same mañer as other
Public dues are Levyed and shall not deduct above ffive p
hundred for his Sallery, and pay the same to such Vestry for
the use aforesaid. And to the intent that this Act may

Answer the end of the makers, which is that his Matyes Good Subjects of this Province may be instructed in Religion and therein of there Duty to God, his Matye and themselves, And those pious and Exemplary persons that shall Labour therein Suitably provided for Bee it Enacted by the Authority Advice and consent aforesaid; that no Minister or Incumbent shall at one time hold more then Two parishes, nor Two unless by the desire or Agreement of the Vestry of the said Adjacent parish and consent of the Vestryes where he resides. And Appoyntment of the Ordinary, and where there are not or shall not be Ministers in any Parish it shall and may be Lawfull to the Vestry To provide some Sober and Discreet person as a Reader. And to present him to the Ordinary, who may Sequester part of the fforty pounds p poll; To pay him for such Service; And the rest to be Apply'd as the Law in cases of such Vacancies directs. And upon such Readers takeing the Aforesaid Oathes Appoynted by Act of Parliament; Subscribing The Test and Association, and procureing Lycence from the Ordinary shall and may read Divine Service, Homillies and such other good Authors of Practicall Divinity as shall be Appointed: at the usuall Times in such Churches or Chapp^{ls} and therein shall Demean himself according to the Lyturgy of the Church of England as aforesaid: And for the Preventing of Delayes and other inconveniences which might happen if there were a necessity for the Expecting the Attendance and presence of all the said Vestrymen; And at the same time to prevent the doing of any thing of Consequence by Surprize by a small number of them. Bee it hereby Enacted, that the ffirst Tuesday in Every Moneth shall be and is hereby fixt and Assertained for holding a Vestry at a Eleaven of the Clock in the fforenoon in the usuall place for that Purpose; without any notice or warning to be given thereof, at which time and Place, the major part of the Vestrymen then present (soe as such Majority be not under the number of Three p'sons) shall be esteemed a Vestry. And shall have full power to ord^r Direct and Act in all things, by this Act Appoynted. To be done According to this Act as a Vestry; And that in case any Vestryman shall remove or with draw himselfe from the Parish or Voluntarily or ffrequently neglect to give his Attendance, and Absent himselfe from the Vestry or otherwayes become unfitt or Incapable To continue To execute the said Office or Trust, that in any such case the residue of the said Vestry or the majority of them (soe as such majority be not under the number of Three persons) shall and may have power After personall Notice given to such party if it conveniently may be, or the affixing

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Lib. L. L. of a publick notice upon the great Door of the Church for
 No. 2. three Sevāll Sundays Successively. If personall notice can
 not be given without great Difficulty charge or Delay, of
 theire Intentions to proceed in such mañer To remove such
 person from being a Vestryman, And to declare his Office
 voyd to Sumon a meeting of the Parishioners Qualified as is
 above Directed for the Electing another in the place of such
 person (who shall after Allowing a reasonable time to such
 person to make his Complaint if he Apprehend himselfe
 injured not exceeding a ffortnight) Proceed to a new Ellection
 accordingly And that there may not be any appression^t
 or misapplicacon of the publick Revenue by such Vestrys
 or just cause of Complaint Against them in any of theire
 proceedings without redress. Bee it Enacted by the Author-
 ity advice and consent aforesaid, that all and every Parish-
 oner and Parishioners whatsoever who contribute to the
 Publick Taxes and charges of the said Parish shall and may
 require the Reg^t herein before mencōned. At any reasona-
 ble or Convenient time or Times to give them an Inspec-
 con of the Vestry books and Accompts of all every theire
 orders and proceedings. And shall and may take Copy
 thereof paying a reasonable ffee for the same according to
 the length thereof, and the trouble of Attendance. And
 that all and every Person and persons whatsoever who shall
 find or Apprehend him her or themselves greived or Injured,
 or that the body of the Parish is injured or Appressed by
 any Acts, Orders, Rules, Accounts or other proceedings of
 any such Vestry. The partyes soe injured or any other in
 their behalfe or in right of the whole body may from time
 to time Appeale for Redress against all and every such
 orders Accounts and other proceedings. To the Governour
 or Deputy Governour for the time being, and Councill of
 the said Province, who are hereby required and impow-
 ered to Examine hear and Determine, all and every such
 Appeale and Complaints for Redress. And to give Red-
 dress as they in theire Judgm^t shall think Agreeable
 to Justice and Equity; and such their order Judgm^t and
 Decree; shall be finall & bind all parties; the right of
 Appeal being alwayes Reserved to his Matye in Councill ac-
 cording to the Lawes of this Province Provided alwayes that
 every of his Matyes Protestant Subjects within this Province;
 Decenting from the Church of England. As to matters relateing
 to the Worshipp and Service of Almighty God And
 the Decenters Comōnly called Quakers in all matters relateing
 p. 410 To the takeing of Oathes and all protestant Decenters what-
 soever as to all discharges and Exempticakon from penalties
 or forfeitures upon Acc^t of theire Desenting Separate meetings

or other matters wherein Tolleracion and ease is granted. To protestant Decenters by one Act made in the ffirst year of the reigne of his present Matye and his late Consort Queen Mary of blessed memory Entituled An Act for Exempting theire Matyes protestant Subjects Decenting from the Church of Engl^d from the Penalties of Cert Lawes; And by another Act made in the 7th and 8 years of the Reigne of his present Matye. Intituled an Act that the Solemn Affirmacon or Declar of the people called Quakers shall be Accepted instead of an oath in the Usuell forme, Shall have the full benefitt of all Exemptions ease and Indulgence by the said Acts granted and allowed according to the True intent and meaning of the s^d Acts they respectively confirming themselves in theire meeting and Assembling. And all other things to the ord^r & rules Enjoined by the said Acts wth this Alteracon only that the sev'all things required or appointed by the s^d Acts to be done by or at the Gen^l or Quarter Session of the Peace or any other Court w^{soever} or by Two or to any one single Justice of the Peace shall be done by to and at the respective County Courts of this Province within whose Iurisdiction the matter shall fall out; and before to or by the Iustices of the same. And that the sev'all places used for Religious Worsh^{pp} by any such Decenting Congregacon or Assembly shall be Certified unto and Reister'd at the s^d County Court, in the same maⁿer, as is by the said first mencōned Act appointed to be done. To the Bishop of the Diocesse The Arch Deacon of the Arch Deaconary, and the Iustices of the Peace At theire generall or Quarter Sessions. Provided alsoe and be it further Enacted, that one Act made at a Gen^l Assembly, begun and held at the Port of Annapolis the 26th day of Aprill 1700 Intituled an Act for the Service of Almighty God, and Establishm^t of Religion in this Province According to the Church of Engl &c Bee and is hereby repealed and made a voyd.

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No. 2.

An Act for Preservation of Orphans Real Estate

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Whereas by a certaine Act of Assembly of this Province entituled an act for the better Administracon of Justice in Probat of Wills and Granting Administracons recovering of Legacies and Secureing Filiall portions; yett in full force and unrepealed; Amongst other things it was Enacted that all Guardians of Orphans that have any reall Estate in Land which the Orphan or Orphans to whom the same belong, Comitted to them (otherwise then such whom the Testator in his life time, by his last Will and Testam^t hath otherwise orderd and Disposed of) Within one moneth after the takeing upon him or her

Lib. L. L. the Guardianship of such Orphan or Orphans; shall with one
 No. 2. Com^r of the said County where the Land lyeth; and Two other
 persons of good repute and well Skilled in Plantacon Affaires
 neither of them being of Kinn indebted or Otherwayes In-
 terested in either Orphan or Guardian enter into the s^d Land
 or Plantacon to such Orphan or Orphans belonging; and View-
 ing the Dwelling house and out houses; Lands Orchards and
 ffences that are upon the said Plant; And then and there the
 said Two persons soe qualified as afores^d shall take theire Cor-
 porall Oaths upon the holy Evangelist, by the s^d Com^{rs} to be
 Administred, that According to the best of theire Skill and
 Judgm^t they will make just Estimacō of the Annuall value of
 said Land and Plant; and what Dwelling houses out houses
 are upon the same; and w^t repaire they in; and in w^t part
 of the said Land they Judge the s^d Guardian may be further
 Permitted to Clear upon the s^d Plant, as well to raise the
 yearly rent soe Valued as afores^d As alsoe towards the
 Yearly charge in keeping the s^d Dwelling houses out houses,
 Orchards and ffences in repaire, and soe by him to be left,
 haveing always a regard to leave a proportionable part both
 for quantity and Quality of the uncleared land for the benefitt
 and Advantage of the Orphan and heire when at Age; To
 possess the Land or Plant, as alsoe the maintainance out of
 the same, where the Profitts of the Personall Estate be not
 sufficient to maintaine him or them as p s^d Act does more at
 large appear And although the said Law be a good & bene-
 ficiall Law for preserving such Orphans Estates as afores^d yett
 either through Negligence or selfe Interest in the said Guard-
 ians or want of a penalty to inforce the Observacon of the
 p. 412 same and the s^d Law hath hitherto Taken little or noe Effect;
 for remedie whereof for the future Bee it Enacted by the
 Kings most Excellent Matye by and with the advice and con-
 sent of this present Gen^l Assembly; and the Authority of the
 same, that every Guardian or Guardians of any Orphan or
 Orphans that shall Neglect within one moneth after entering
 upon his her or their Guardianshipp aforesaid to doe and
 pforme what on his her or theire part is by the said Act
 required, shall forfeit the sume of ffive Thousand pounds of
 Tob^o and any Two persons in the said County liveing being
 thereunto Demanded; that shall refuse or Neglect what in
 the s^d Act requires of them to doe and pforme, shall forfeit
 the sume of ffive hundred Pounds of Tob^o each the one halfe
 thereof to our Sovereign Lord the King: the other halfe to
 the informer or him or them that shall sue for the same: To
 be récovered in any Court of Record within this Province, of
 all and every such Person that shall sue as afores^d refuse or
 Neglect to pforme, what by the said Act is required And

whereas it hath been Doubted whither in Valueing or Esti-
mateing the said Orphans Lands and Plantacons in the said
Act mencōned the quitt rents To the Lord of the same are
not to be considered and Allowed for as well as reparations
and other things in the s^d Act mencōned ; It is hereby further
Enacted and Declared that the said quitt rents ought and are
hereby declared and Enjoyned to be considered Deducted
and Allowed upon the Yearly Valuacon of the said Land.
And that any Guardian afores^d that Neglect after such Allow-
ance made of the same in the Valuacon of the said Land, and
hath not paid such Quitt rent as Aforesaid, shall forfeit to the
Orphan when at Age ffourffold the value of such rents ; that
he hath left in Arrears ; At the full age of such Orphan. To
be recovered by Accon of Debt, bill ; plant, or informaccon
Wherein noe Essoyn Protecccon or Wager of the Law to be
Allowed.

Lib. L. L.
No. 2.

An Act Prohibiting horse Raceing on Saturdays.

For as much as frequent horse raceing on Saturdays is
found by Experience to tend very much To the Prophana-
cōn of the Lords Day ffollowing for prevencon whereof for
the future, Bee it Enacted by the Kings most Excellent Ma-
tye, by and with the Advice and Consent of this present Gen^l
Assembly. And the authority of the same. That no person
or persons within this Province Presume to make a horse race
and Appoint a Certaine place ; Where at to runn their horses
upon any account whatsoever on Saturday under the Penalty
of five Thousand Pounds of Tob^o on every such person being
soe Concerned in such horse race, whether the horses be their
Owne or other mens. One halfe thereof to our Sovereigne
Lord the King for the use of the Parish where the race is
runn : The other halfe to him or them that shall sue for the
same ; To be recovered in any of his Matyes Courts of
record ; Within this Province, wherein noe Esoyne proteccon
or wager of Law To be allowed. This Act to Endure for
Three years.

Mar. 23^d 1701.

An Act for the Releife of Kent and Calvert Countys.

For as much as all the Iustices of Quorum of Kent County
are attending as Delagates of their County and that the Court
by Adjournm^t is near at hand soe th^t the said Justices cannot
Attend there ; And without which according to the Commicon
the Court cannot be Adjourned ; To preserve the s^d the Court
therefore from falling and prevent the great Damages that

Lib, L. L. thereby will Accrew to the Suitors. Bee it Enacted by the
 No. 2. Kings most Excellent Matye by and with the advice and Consent of this present Gen^l Assembly; and the Authority of the same; That from the ffourth Tuesday of this instant March 1701 being the 24th day of the same Moneth the County Court of Kent County; and all writts Pleas and Process returnable; To the same shall and by the Virtue of this Act is Continued and Adjourned till the first Tuesday in Aprill next following in as full and Ample maⁿer as if the same County Court were adjourned; and Continued by all the Justices thereof: by virtue of their Comicon any Custome Usage or Direcon to the Contrary thereof in any wise Notwithstanding and whereas heretofore on complaint of Sev^rall the Inhabitants of this Province: A certaine Act of Assembly were made and Confirmed the 26: day of May 1697 Entituled an Act Empowering the Commissioners of each respective County. To purchase Lands for the use of their Respective Courts, but in the s^d Act the Time for purchase or otherwise gaining such Tytle according to the Direccōn of the said Law was Limited to the Tenth day of Aprill in the same year which is long since Expired. And the Justices of Calvert County haveing by there Peticon represented to this Gen^l Assembly That upon Examinacon into the Tytle of the said Court house Land for the use of the County they find the same very deficient and Vncertaine though they have been at vast charges in building a Court house thereon. And are Excluded the benefitt of the s^d Act by the Limitacon of time therein : And humbly pray'd a Suitable releife in the premisses; In tender Consideracōn whereof Bee it Enacted by the Authority Advice and Consent afors^d that the s^d Act of Assembly entituled an Act empowering the Com^{rs} of each respective County. To purchase Lands for the use o^f their Respective Courts shall be and is hereby Extended and Apply'd to the use and benefitt of the Justices of Calvert County for buying purchaseing or otherwayes according to the said Act Obtaineing and Acquireing a Substantiall Tytle and right To the Land on which the said Court house stands for the use of the said County in as firme and Ample maⁿer as if the said Justices had done and pformed the requesitts in the s^d Act Directed within the time therein Limited any Limitacon or clause whatsoever in the s^d Act Contained to the Contrary in any wise notwthstanding: And the said Justices buying or purchaseing or otherwayes Obteyning according to the Direccōns of the said Act: The land whereon the said Court house stands and some small Adjacent quantity of land not exceeding Three acres as in the said Act is limited shall and hereby declared To create and vest in his Maty: for use of the County afores^d a firme perpetuall and sure Tytle

to the same forever more: And that in all cost and charges that shall be laid out and expended in the Premises shall be Defray'd and paid by an Equall Assessm^t on the Inhabitants in the said County by the pet^r According to the Direccⁿ of of the said Act. Lib. L. L.
No. 2.

To his Excellency Nath^l Blakistone Esq^r Cap^t Gen^l and Governour in Cheife in and over his Matyes Province of Maryland, And to his Matyes Hono^{ble} Councill and house of Delegates.

The Petition of John Needles and Eliz^a his Wife And John Sherwood and Lucy his Wife and of Mary Man Spinister all of Talbott County.

Humbly Sheweth.

That a certaine Edward Man late of Talbott County Gentl ffather of the said Eliz^a Lucy and Mary: in his life time with his owne hand did draw a certaine writeing (as Appears by the Carracter being well knowne To many persons of undoubted Credit) in forme of a Testam^t or Codicill which is not knowne to have been Altered or revoked by any latter Will or Testaments or Words or Speeches. Yett the same was never Witnessed, however it is Registerd in the Commissaryes Office. To avail soe much as in law it may; by which writeing he did Dispose of his Estate both Reall and Pesonall; And amongst other things did Appoint and order Eleaven hundred and florty acres of land at Kington to be Equally divided betweene his Daughters your Petioners aforemencōned by the Iudgm^t and Discretion of a certaine M^r Thomas Smithson and M^r Edward Pollard, as by the s^d Writeing herewith humbly Offer'd (Relation being thereunto had) it doth Appear and further by the said Writing doth appoynt and order his Daughter Anne Darby to have like proporcon in Land out of the four Tracts he bought of M^r John Pitts And his sonn John to have Three hundred acres of Land out of the Tracts he had of M^r Pitts; To be allotted by the said M^r Smithson and M^r Pollard if he shall come to settle in the Country: To be delivered at demand. If in case he dyes wthout Issue And his (that is if the said Edward Mans) land in Engl should Descend to his Daughter Darby then after the Decease of his Wife his land he then lived on to be Equally divided betwixt the Three younger Daughters your Petitioners aforesaid, Since which time his Sonn John dyed in Engl: and left a Widow and one Child as your Petitioners are most certainly informed; being at the time by Computacon not Two years old, and heire to all the said Land in case

Lib. L. L. the said Writeing be not allowed as a Will: and heir also to
 No. 2. the land in Engl: Now your Pet^{rs} humbly offers To the Consideracon of this Gen^l Assembly that the intention of the said Edward Man about Disposeing of his land; Doth in the said Writeing manifestly and Prospiciously appear and that the Disposition as it Appears is very just and Rationall; And
 p. 416 that except the said Writeing be confirmed into a Will the said Eliz^a Lucy and Mary have noething of their ffathers Estate and are with their Husbands discouraged on such uncertaine Tytle from makeing any Improvements and the Youngest being unmarried is hindered of her perferment. The plantacons grow ruinous; The Services to the Lord Proprietor unpaid soe th^t before the Age of the Child aforesaid the Arrears of rent will Exceed the Value of the land and many other Inconveniencies both private and some way Affecting the Publick will Insue the uncertainty and Ambiguity of th^t Writeing.

Therefore To prevent all contests that hereafter may Arrise your Petitioners humbly craves that it may be Enacted And be it Enacted by the Kings most Excellent Matye by and with the Advise and consent of this present Gen^l Assembly and the Authority of the same. That the said Writeing herewith produced Conteyning these words following (To witt) To M^r Edward Pollard if it should please God I should never returne To you and my family againe; doe Appoint and Ord^r after my just Debts are paid That my Eleaven hundred and fforty acres of land at Kingstowne be Equally divided betweene my Daughters Eliz^a Needles, Lucy Man and Mary Man or Survivors of them as Children lawfully begotten; not haveing any regard to what Improvem^t made thereon; Alsoe to my Sonn Needles my old mare; one Cow and Calfe; Six good Sermon books; and Tenn pounds in money or a Servant to serve According to the Custome of the Country To my Daughters Lucy and Molly one feather bed and boulder; Also one Cow and Calfe; six good books, And one Servant to Serve according to the Custome of the Country; And Two Thirds of the abovesaid Land, And this to be paid (Land present) and Servants and all at the Expiracon of ffour years; and Mary at six Years: my Daughter Needles her Thirds of land present; and the rest within Twelve moneths; Also my Daughter Ann Darby to have like proportion in Land out of the ffour Tracts I bought of M^r John Pitt, alsoe a bedd boulder; Cow and Calfe. Alsoe Tenn pounds in money and six good books; but if possible the whole: To its full value to be remitted to her into Engl: Whereof doe appoynt M^r Thomas Smithson and you M^r Pollard. To be Judges thereof, and to be Assisting

in Divideing thereof: And my Sonn John Man if in this Country he haveing the first refusall: This last Legacy to be paid or Allotted in Twelve Moneths or Two years at furthest ffurther I give my Sonn John Man one bay young horse or gelding, one Cow and Calfe: One feather bedd and boulder the books he had with him. Alsoe the books I lent M^r Lillingstone, and all my Law books. And alsoe Three hundred Acres of Land out of the Tract I had of Pipers to be Allotted by the aboves^d M^r Smithson and you M^r Pollard, if he shall come to Settle in this Country. To be delivered at Demand the whole if in case he dyes without Issue and my land in England should Descend to my Daughter Darby then after the Decease of my wife my land I now live on to be Equally Divided between my Three younger Daughters and Children of them that shall be lawfully begotten on them the Males takeing place first. all the rest of my land and else not before bequeathed to my Dear and Loveing Wife dureing her life not to be disposest out of the housing Orchards. Cleare ground and else I now live on and Enjoy craveing your Assistance in the p^rmisses if needfull, and by almeans to Oblige all to live in Love and Vnity; To which I have interchangably Sett my hand and Seale this Nine and Twentieth day of Mar. 1689

Edward Mann Seale.

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At all times and in all Places within this his Matyes Province and Territories of Maryl: shall be reputed deemed taken Adjudged and Allowed as the last Will of Edward Mann as aforesaid proved and Confirmed; And that all Denizes and Dispositions of land conteyning therein be of as full force and virtue according to Law, as if the said Writeing had been in due forme proved by the Oaths of three or more witnesses: To have been signed Sealed Published and declared by the said Edward Man To have been his Last Will and Testament, any defect of forme or prooffe of the said Writeing or any Law Statute or Usage, To the contrary in any wise notwithstanding.

An Act for the Naturalization of Hermann Schee Gent. Isaac Vanbiber Gent. Mathias Vanbiber Merch^t and Derrick Collickman Plant^r all of Cecill County: James Broord & James Broord; John Broord; & Solomon Broord; his Sonns of Kent County; And Sebastian Oleg of Annarundⁿ County.

Bee it Enacted by the Kings most Excellent Matye by & with the Advice and consent of this Present Gen^l Assembly, and the Authority of the same: That Hermann Schee, Isaac

Lib. L. L. Van Bibber Gent. Mathias Van Bibber Merch^t and Derrick
 . No. 2. Collickman Plant^r all of Cecill County and born of Dutch
 parents; James Broord and James Broord, John Broord and
 Solomon Broord his Sonns of Kent County Planters; And
 Sebastian Oley of Annarundⁿ County a German borne be
 p. 418 from hence forth: Adjudged reputed and Taken as Naturall
 borne Subjects of this Province: and that they the said Her-
 man Schee, Isaac Van Bibber, Mathias Van Bibber, Derrick
 Collickman James Broord; James Broord, John Broord and
 Solomon Broord his sonn and Sebastian Oley: by the Author-
 ity of this present Gen^l Assembly are Enabled and Adjudged
 to all intents and purposes. To demand Challenge Ask
 have & enjoy all Lands & Tenements hereditaments; And
 all other rights and priveledges as if they and every of them
 had been Naturall borne Subjects of this Province And they
 and every of them are hereby Enabled to prosecute maintaine
 Justifye and Defend all manner of Accōns: Suites: Pleas,
 Plaints, and demands whatsoever as fully and Amply as if they
 and every of them had been Naturall borne Subjects of this
 Province: any former Impediment or Disability in them or any
 of them: by reason of theire Parentage; to the Contrary in any
 wise Notwthstanding Provided that this Act or any thing here-
 in Conteyned shall not be construed or Taken to Enable or
 Qualifye the abovesaid Persons to Enjoy or hole any place,
 Office, calling, Imployment Prohibitted or not Tollerated by
 the late Act of Parliament. Entituled an Act for preventing
 fraudes and regulateing Abuses in the Plantacon Trade; or
 any other Statute Law of Engl any thing herein Conteyned
 To the Contrary Notwithstanding.

An Act Prohibitting the Abuses Committed by Wood Rangers.

For as much as drivers Complaints has been made to this
 present Gen^l Assembly of abuses Comitted by such persons
 as has Obtained Comissions from the Governour to Range
 the Woods and fforresty. After wild neat Cattle and horses;
 And it is pray'd that it may be Enacted, And be it Enacted by
 the Kings most Excellent Matye by and with Advise and con-
 sent of this present Gen^l Assembly and the Authority of the
 same: That it shall & may be lawfull for any person after the
 last day of July next To make Applycation to the Governour
 for the time being: To grant a Commission or to Exercize or
 use any Commission to range as aforesaid: Except such per-
 son produce a Certificate from under the hand of the Justices
 of the County Courts where the s^d person is to range: Setting
 forth that he is of good fame: And be it further Enacted by

the Authority afores^d by and with the Advise and Consent
afores^d That noe person Commissioned as aforesaid shall
Depute any Person as a Dep^{ty} to range the woods & fforrests
after Cattle & horses as aforesaid: Except such Persons be
likewise approved on by the Justices of the County in which
he is to Range as a Dep^{ty} And for as much as it will be neces-
sary That a sett time should be Appoynted to what Age
horses and Cattle should be Deemed Wild; Bee it Enacted by
the Authority Afores^d and with the Advise and Consent affore-
s^d That it shall not be lawfull for any Ranger within this Prov-
ince To take up marke or otherwise Dispose of any unmarked
horse, Mare, bull, or Cow, which shall not Exceed the Age of
Three years: any Law Usage or Custome to the Contrary
Notwithstanding. And further be it Enacted by the Authority
afores^d By and with the Advice and Consent Aforesaid; That
the Justices in each respective County wthin this Province
shall yearly & every year within their County Courts held
in the Moneth of March and November dureing the Continu-
ance of this Act, cause to be read in open Court. And like-
wise give it in charge: To the Grand Juryes to enquire of any
Breaches thereof Committed by the Rangers in that County

Lib. L. L.
No. 2.

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PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, June 25 and 26, 1702.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

NATHANIEL BLAKISTON,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Original
Journal.

Original
Journal.

Present

His Excellency Nathaniel Blakiston Esq^r Governor

The honble { Tho^s Tench Esq^r } Col John Hammond
 { Tho^s Brooke Esq^r } L^t Col Will^m Holland }
 of her Ma:ty's honourable Council James Sanders Esq }

His Excellency lays before the Board the Lords of the Council of Trade & Plantations Letter of the 19th of March 1701/2 And likewise the right honble the Lords of her Majesty's Council their order for proclaiming her most Sacred Majesty Queen Ann &c. Which he acquaints them that he had Caused to be done after the most Solemn manner this Province was capable of

And forasmuch as he had received no particular Instructions as to the administring the Oaths of Allegiance &c He requires the opinion of the Council who advise that the oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy be administred to and taken by all the officers Civil and Military and other her Majesty's good Subjects within this Province with the Alteration of her late Majestys Name into that of her present Majesty Queen Ann &c.

And thereupon his Excellency the Governor & the Members & Clerk of the Council took the said Oaths & subscribed the Test. And as to the Association tho his Excellency & this Board are very desirous of giving all the convincing Demonstration of their Affection & Loyalty to her most Sacred Majesty yet that Association which is prescribed by Act of Parliament being made upon that particular occasion on the designed Assassination of his late Majesty it will not be suitable at this Time.

Came Major William Dent & M^r John Hall from the House of Delegates and acquaint his Excellency that their House is met and wait his Commands

His Excellency says he is ready to receive them

Original
Journal.

After which came M^r Speaker attended by the House of Delegates

To whom after they had taken the Oaths to her Majesty appointed by Act of Parliam^t instead of the Oaths of Allegiance and Supremacy and Subscribed the Test his Excellency was pleased to say

Gentlemen I hope I need not make any apology for this meeting for it is necessity and not choice has constrained me by the Death of our most glorious King William whose dissolution all his Protestant Subjects have reason to lament, as that of a common Father, the Champion of our Libertys, and the ornament and Glory of our Country

As almighty God bestows his Blessings upon us so he takes them away as he thinks fit and since it is by his gracious Influence we receive all the Benefitts we Enjoy, we ought with great Reason to hope he is not altogether unmindful of us, having placed her present Majesty on the Throne to be our supreme Governor, who has all the noble virtues and great Qualifications we could wish or hope for under God to make us happy: Therefore I thought it highly Necessary and a Duty incumbent upon us at this Juncture to meet & address her Majesty giving her all the convincing Proofs of our great Satisfaction and the Hopes we have of the great Blessings we shall Enjoy under her Majesty's happy & Prosperous Reign over us

I have already acquainted you of my Inclinations (with the Blessing of God) of going home for England with this Fleet for the Recovery of my Health And as I hope I have never in the least tarnished my Reputation among you by the Violation of any man's Property or Liberty so I have never brought the Power his Majesty was pleased to cloath me with into the least Contempt by exceeding it

Gentlemen

This is like to be the last time of our Meeting therefore am very desirous to convince you how strictly I am rivitted to your Interest if you have any thing of Moment to offer for your future service

M^r Speaker & the Delegates take Leave and depart to the House

His Excellency having recommended that this Assembly should address her most Sacred Majesty upon her Accession to the Throne such an address being prepared was read and approved of & ordered to be sent down to the House of Delegates with the following Message

By his Excellency the Governour and Council
in Assembly June 25th 1702

Original
Journal.

Gentlemen

Herewith is sent you an Address proposed to be presented to her Majesty upon her Accession to the Throne from his Excellency the Governour and this General Assembly that you may peruse it and according as you shall think fit either add or diminish as you shall see Cause

Signed p order W Bladen Cl Counl.

Sent by M^r Brook & Col Hammond Col Lloyd & Col Holland

Came Major Dent M^r Hutchinson & M^r Young from the House of Delegates who present M^r Richard Tilghman a Delegate of Talbot County who took the oaths appointed by Act of Parliament instead of the oaths of Allegiance & Supremacy to her Majesty & Subscribed the Test

M^r John Hall and M^r John Wight from the House present M^r John Lecompte a Burghess for Dorsett County who took the Oaths of Allegiance &c to her Majesty and Subscribed the Test

Read the right honourable the Lords of the Council of Trade & Plantations Letter of the 16th March 1701/2 with a reference from the right honourable the Lords of his Majesty's most honourable Privy Council to the said Lords of Trade &c to Enquire whether the Court of Admiralty in this Province is held by virtue of the Lords of the Admiralty's Commission or by virtue of a particular Clause in the Commission under the great Seale

In answer whereto his Excellency and this Board do say the said Courts of Admiralty for five years last past have been held by Virtue of a Commission from the right honourable the Lords of the Admiralty. The s^d Commission in a more particular manner respecting & settling that Court & the Judicature thereof.

This Board adjourned 'till 8 of the Clock to morrow morning

Fryday June 26th 1702.

The Council in Assembly Sate Present as yesterday with the addition of the honourable Col John Addison

Read the Petition of M^r Robert Ungle and M^r Robert Grundy Exec^s of the last Will & Testam^t of M^r Nicholas Milburn of Talbott County deceased praying for the reasons therein contained that they may be enabled to sell the said Milburnes Estate for paym^t of his Debts

Original
Journal.

Which being thought reasonable is recommended to the House that they will Suffer a Bill to be brought in therefore & sent to the House by M^r Saunders

Read some Proceedings of his Excellency the Governour and Council of the eighth of May whereby for the Reasons therein expressed his said Excellency with the Council had resolved to give Encouragement to Col Tho^s Smithson chief Justice of the Provincial Court to continue in that Station by allowing him for one year proportionable after the Rate of 50 lb p Annum out of the 50000[£] tob^o which his Excellency and this Board are impowered to levy for defraying the small charge of the Province And the following Message sent to the House of Delegates

By his Excellency the Governour & Council
in Assembly June the 27th 1702

We have directed the Gentlemen herewith sent to communicate to you some proceedings in Council of the 8th of May last upon occasion of his Excellency's being informed that Lieut Col Tho^s Smithson chief Justice of the Provincial Court, and who had given great satisfaction to the Country in discharge thereof, had desired to be excused, and was not willing to Serve any longer in that Station. After your consideration whereof we recommend to you that you would encourage the said Col Smithson chearfully to persist in the Execution of his Office by some suitable Reward to his Services He being very well qualified for that Commission by his Learning and great Study, and it being very creditable to the Country to have such a person to fill that Place. Tho at the Same time we must inform you that his Excellency affirms the said Col Smithson hath often moved him expressing his Inclinations as desirous to be excused from executing that Trust any longer, but we are confident will be ready in some great measure to forgoe his private Affairs and continue upon the Terms proposed if the House think It may be of Service to the Country

Signed p order W Bladen Cl Council.

Sent by M^r Brooke Col Hammond Col Lloyd & Lieut^t Col Holland

The reverend D^r Gabriel D Emilliane M^r Sewell M^r Marsden M^r Sharp present the following address to his Excellency & her Majesty's Council viz^t

To his Excellency the Governour & her Majesty's honble Council of Maryland Original Journal.

The humble address of the clergy of this Province

Tho we are perswaded that you Esteem yourselves as greatly interested in the late Establishment of Religion, as we the Clergy, whose Support & maintenance is provided for thereby; yet we think it our Duty to present you with our Sincere acknowledgments for your noble & affectionate Zeal, in carrying on so pious a work, notwithstanding the restless endeavours, which ill affected men have used to obstruct & frustrate so good & christian a design

And as we humbly hope & pray your Piety will derive a constant Succession of Blessings, both upon yourselves and your Posterity, so we crave leave to assure you we shall always Exert our best Endeavours to answer the Ends of that your Establishm^t and by our own Exemplary Practice demonstrate to the Conviction of all gainsayers the necessity and usefulness of our Sacred Institution

May it please your Honours Your Honors most obedient & most humble Servants

John Lillingston	}	Edw ^d Toope	}	Rich ^d Sewell
Benj ⁿ Nobbes	}	R ^t Owen	}	Rich ^d Marsden
Hugh Jones	}	Joseph Colbatch	}	Jn ^o Sharp
Tho ^s Cockshutt	}	Henry Hall	}	Will ^m Tibbs
Gabril D Emilliane	}	Stephen Bordley	}	Joseph Holt

His Excellency for himself and her Ma:ty's Council is pleased to assure the Gentlemen of the Clergy of their best Services upon all occasions

Ordered that pursuant to his late Ma:ty's Royal Instructions the number of Planters men women and Children Servants and Slaves be taken in the several County's and sent for England to the right Hon:ble the Lords of the Council of trade and foreign Plantations

Came Col Addison and took the oaths of Allegiance to her Majesty and subscribed the Test

According to his Excellency the Governour's order and summons appeared the vestry of St Paul's Parish on Patapsco River in Baltimore County and it being required of them to produce their accounts how the 40 lb p poll raised in that Parish has been disposed of M^r Rich^d Cromwell alledges for that the Sheriff of the County L^t Col Maxwel is now very sick but says that the Vestry have above twenty thous^d pounds of Tob^o wherewith they desire to build a Chappel of Ease for the Parishioners on the South side of Patapsco River but that being contrary to the Law

Original
Journal.

Ordered by his Excell^{cy} the Governour & Council that the said Vestry do apply what Tob^o they have in their Hands belonging to the Parish in building a pretty convenient House and purchasing a Glebe for the Minister & his successors

Came Col Dorsey Major Greenberry Cap^t Draper and M^r Baker from the House with the following message

By the House of Delegates June 26th 1702

The Message of this Day by Col John Hammond and other Gentlemen of the Honble Council relating to the Matter proposed for an Allowance to Col Tho^s Smithson chief Justice of the Provincial Court was here received and read, and the house thereupon resolved into a grand Committee to debate the same The Committee having made choice of Major William Dent their chairman and fully considered & debated the whole matter in the message contained, and so dissolved; M^r Speaker again taking the Chair Major William Dent reported the resolves of the Committee as follows

1 That the said Col. Smithson is a Person in all respects Qualified for that office of chief Justice & has deserved not only in that but in other Matters very well of this Province & is well worthy of a Consideration for the same

2^{dly} We never understood that any Country or Province has payed any Judge or Justices Sallary except defraying their charges, but such Charges have been always defrayed out of his Majesty's Revenue

3 For which causes we cannot think to lay any Burthen on the publick to raise such Salary as is proposed

To all which this House Concurrs

Signed p order W Taylard Cl Ho Del.

Eodem Die assented to by his Majesty's honble Counl

W Bladen Cl Counl

Sent to the House by Col Lloyd and M^r Sanders

Ordered that George Muschamp Esq^r her Majesty's Receiver of the District of Potowmack & Pocomoke pay unto Col John Bigger out of the 3^d p Hh^d for Arms what he disbursed for cleansing mending & fixing the publick Arms in Calvert County 14 p^{ds} nine shill.

Ordered that George Muschamp Esq^r Receiver as afs^d pay unto Charles Kilburn out of the s^d Duty of 3^d p Hh^d six p^{ds} for his extraordinary Care and pains in looking after firing & scaling the Gunns on the Stadt House Hill

Ordered that George Plater Esq^r her Majesty's Receiver of the District of Patuxent pay unto W^m Bladen out of the same Duty of 3^d p Hh^d for arms fifty shill he paid Col Hynson for cleansing and fixing the Arms in Kent County

Original
Journal.

It being found by Experience that the mending & fixing Arms in this Province is very chargeable & will not answer the end designed but that it is cheaper to buy new ones from England ordered that no more of the s^d Duty of 3^d p Hh^d be applied that way but only for purchasing new arms.

Tho^s Brooke Esq^r the present Judge of the Court of Admiralty living remote from this place ordered that a Commission be prepared for the honble Col John Hammond to be Judge of that Court

Major Dent & M^r Lynes bring up the Address to her Ma:ty signed by the members of the House & an order to the Treasurer of the Western Shoar to pay his Excell^{cy} £200 the Remainder of the Assembly's Donation to his Excellency last Session

Which was assented to by the House and returned by the said Major Dent & M^r Lynes

Came Major Whittington and Cap^t Hutchinson who presented M^r Philemon Lloyd a Delegate for Talbot who took the oaths &c to her Majesty & Subscribed the Test. The said Major Whittington & Cap^t Hutchinson also brought up an ordinance for repairing the Stadt House

By the House of Delegates June 26th 1702

This house having received Information that the Stadt House in Annapolis is leaky & out of repair & is very likely to be worse unless Speedy Care be taken to prevent it

Therefore resolved that Col John Hammond M^r Samuel Young & Cap^t Lawrence Draper or any two of them be desired to View the House & see what repairs are wanting, so that it may be amended and at any other Time when any Defect shall appear they would please to Employ such workmen for Speedy repair as to them shall seem meet, and that such work shall be satisfied out of the publick if his Excellency & the Councill shall concurr herewith

Signed p order W Taylard Col Ho Del

Eodem Die assented to by the Council

Will^m Bladen Cl

Lieut^t Col Tho^s Smith Chairman brought the Journal of the Committee of Accounts which upon Perusal & Examination was assented to by his Excellency the Governour & Council

Original
Journal.

M^r Tilghman & M^r Elisha Hall bring the Bill for apportioning the publick Levy which was twice read & assented to by the Board & sent to the House by Col Lloyd & Col Holland

Lieut^t Col Walt^r Smith & M^r John Salter from the House acquaint his Excellency the Governour that they have nothing lying before them who says he is ready to receive them

Advised that this Assembly be prorogued 'till the last Day of August next

Came M^r Speaker with the members of the House to attend his Excell^{cy} & M^r Speaker presents the bill empowering a Committee to lay & apportion the publick Levy which his Excellency on the behalf of her most sacred Majesty was pleased to assent to willing the same to be a Law, and sealing it with the great Seal of this Province

And then Prorogued the Assembly till the Last day of August next ensuing

W^m Bladen Cl Council.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, June 25-26, 1702.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

NATHANIEL BLAKISTON,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Journall of the House of Dellegates
June 25th 1702

Maryland ss.

The Third Sessions of Assembly began and held at Annapolis the five and Twentieth day of June in the first yeare of the Reigne of her Sacred Maj^{ty} Queen Ann &c Anno Dni 1702 P. R. O.
fo. 1

Whereas the Generall Assembly of this Province was by his Ex^{cy} Nathan^{ll} Blakiston Esq^{re} her Maj^{ts} Cap^t Gen^{ll} and Governo^r in cheife in and over this her Maj^{ts} Province and Territory of Maryland by Severall prorogacōns prorogued to the five and Twentyeth day of June afs^d

The house of Dellegates then met at the Stathouse in Annapolis being called over were present

The Honob Thomas Smithson Esq^{re} Speaker

Thomas Smith Esq ^{re}	}	for Kent County
M ^r John Hinson		
M ^r John Salter		
M ^r Jno Whittington		
Sam ^{ll} Young Esq ^{re}	}	for Ann Arund ^{ll} County
M ^r Jno Dorsey		
M ^r Charles Greenberry		
M ^r Lawrence Draper		
M ^r Walter Smith	}	for Calvert County
M ^r Elisha Hall		
M ^r W ^m Parker		
M ^r Jno Smith		
M ^r William Dent	}	for Charles County
M ^r James Smallwood		
M ^r Benj ^a Hall		
M ^r Edward Dorsey	}	for Baltemore County
M ^r Sam ^{ll} Sicklemore		
Jno Hall Esq ^{re}		
M ^r Thomas Hamond		
M ^r Rich ^d Tillghman		for Talbott Co ^{ty}
M ^r Jno Lecompt		for Dorchester County
M ^r W ^m Harris	}	for Cœcill County
M ^r Nath ^l Vand ^r Haydon		

P. R. O.

M^r W^m HutchynsonM^r Jno WightM^r Rob^t Bradley

} for Prince George's County

S^t Maries Citty and County All Absent

And Severall members at this time wanting but being in hopes most of them will be here this night

Therefore Resolved that the house proceed upon business

Ordered that M^r W^m Dent and M^r John Hall attend his Ex^{cy} in Council to acquainte them this house is mett according to prorogation and ready to wait their Comānds

They returne and say they deliverd the message

The Honoble James Saunders and W Holland Esq^{re} enters the house and acquaints the Honoble Speaker that his Ex^{cy} in Council is ready to receive them And therefore comānds that the whole house attend him at the Councill Chamber Upon which the house Adjourned to the Councill Chamber where the Severall members tooke the Oathe of Allegiance and Abhorrence and Signed the Test which being done his Ex^{cy} was pleased to make the following Speech viz^t

Gent

I hope I need not make any appologie for this Meeting for it is necessity and not choice has constrained me by the death of our most Gracious King William whose Dissolucōn all his protestant Subjects has reason to Lament as that of a Comon Father and the Champion of our Libertys and the Ornament and Glory of our Countrey

fo. 3 As Allmighty God bestows his blessings upon us soe he takes them away As he thinks fitt And since it is by his Gracious influence wee receive all the benefitt we Enjoy we ought with Great reason to hope he is not Alltogether unmindefull of us haveing placed her p^rsent Maj^{ty} upon the Throne to be our Supreme Governess who has all the noble Vertues and great Quallifications wee could wish or hope for Under God to make us happy Therefore I thought it Highly necessary and a duty incumbent upon us at this Juncture to meete and Address her Maj^{ty} Giveing her all the convinceing proofes of our Great Sattisfaction and the hopes wee have of the Great blessing we shall enjoy und^r her Maj^{ts} happy and prosperous Reigne over us.

I have allready Acquainted you of my intencōns (with the blessing of God) of goeing home for England with this fleet for the recovery of my health And as I hope I have never in the least tarnished my reputacōn amongst you by the Violation of any mans property or libertys Soe I have never

brought the power his Maj^{ty} hath been pleased to cloath me P. R. O.
with to the least contempt by exceeding it

Gent This is like to be the last time of our meeting
Therefore am Very desireous to convince you how strictly I
am Revitted to yo^r interest If you have anything of moment
to offer for your future Service

His Ex^{cy} haveing ended his Speech this house tooke leave
and returned to their house where M^r Speaker haveing
taken the Chaire a Coppy of the Aforegoing Speech was
orderd to be read which being read Nemine contradicente,

Orderd that An Address to her most Sacred Maj^{ty} be forth-
with prepared and in order thereunto M^r W^m Dent M^r W^m
Hutchinson and M^r Sam^l Young are appointed a Com^{it}tee fo. 4
and accordingly withdrew for that Purpose

M^r W^m Harris M^r Elisha Hall and M^r John Salter are Ap-
pointed a Comittee of Election and privyleidges.

Severall Indentures for Dellegates being delivered they
repaire to the Comittee Chamber.

The Honob Thomas Brooke Esq^{re} John Hamond and Ed-
ward Loyd Esq from the Honob^l Counc^l enter the house and
Delivers M^r Speaker the following message with a proposed
address w^{ch} message follows viz^t

By his Ex^{cy} the Gov^r & Council in Assemb^{ly}

June 25th 1702

Gent, Herewith is sent you an address proposed to be
p^rsented to her Maj^{ty} from his Excellency the Gov^r and this
Gen^l Assembly upon her Accession to the Throne that you
may puse it, And According as you shall thinke fitt either to
add to or deminish as you shall see cause

Signed p^r Order W Bladen Clk Conc^l

Which said Message and the propos'd Address was here
read and the same Orderd to be Delivered to the Gent ap-
pointed to draw the same for their Perusall

An Account of M^r Elias King due to him for cleansing of some
Country Armes was produced the house }
w^{ch} was read and Examined and finde the }
Same to be due and Order'd he be p^d }

£.	s.	d.
01	00	00

M^r Richard Tilghman A member for Talbott Co^{ty} Enters
the house

And it is ordered that M^r W^m Dent and M^r W^m Hutchins[on]
Attend him to his Ex^{cy} and Councill to take the Oaths and
Signe the Test

P. R. O. Who returne and say they see him quallified

fo. 5 The Comittee of Election and privyleidges enters the house and do reporte they have inspected the Indentures of St Marys County and do finde that M^r Jno Baker is duely Elected and returned to Serve for that County

And the said Committee likewise reporte that M^r Thomas Frisby is duely elected to Serve for Cecill County if of age, which this Comittee referred to consideracōn of the house

And by the house referred to further consideracōn

M^r John Lecompt one of the members for Dorchester County enters the house

And Ordered that M^r John Hall and M^r John Wight Attend his Ex^{cy} in Councill to see him quallified

They returne and say they have seen him Sworne and Signe the Test.

M^r Thomas Frisby A Member Elected to serve for Cæcill County being prsent in the house and returnd by Com^{ee} to be duely Elected but not of age w^{ch} now lye under debate

M^r Speaker being pleased to enquire into his Age the s^d M^r Frisby readily acknowledged himselfe not to be of full age till December next

Whereupon it is Resolved that he is not quallified nor fitt to sitt in this house

Therefore he is dismist and Ordered M^r Speaker Issue his Warrant to the honoble Secretary to send forth A new Writt to Serve in his Stead which Accordingly issued

The Gent of the Clergy of this Province of Maryl^d pray^d Admittance which being granted they Attend^d the house and delivered M^r Speaker the following Address viz^t.

fo. 6 To the Hon the house of Dellegates

The Humble Address of the Clergy of Maryland.

Gent Tho' wee are p^rswaded you Esteem yo^rselves greatly interested in the Establishment of Religion as Wee the Clergy whose Supporte and Maintainance is provided for thereby, yett wee thinke it our Duty to p^rsent you with our sincere Acknowledgment for your noble and Affectionate zeale in Carrying on soe pious a Worke Notwithstanding the restless endeavo^{rs} w^{ch} ill Affected men had used to Obstruct and frustrate soe good and Xtian a designe And as we humbly hope and pray yo^r peity Will derive a Constant Succession of blessing both upon yo^r Selves and yo^r posterity Soe Wee Crave Leave to Assure you that wee shall allways Exert our best endeavōrs to answer the ends of that your Establishment and by our owne Exemplary practise Demonstrate to the Conviccōn of all gainsayers

the necessity and Usefullness of our Sacred institucōn Wee P. R. O.
remaine Gent

Your most Affectionate and humble Servants	
1 st Jno Lillingston	2 ^d Edward Topp
Benj ⁿ Hobbs	Jos Colebatch
Hugh Jones	Gabriell D. Emilliane
Rich ^d Sewell	Jno Edwards
Thom ^s Cockshott	W ^m Tibbs
Stephen Bordley	
Henry Hall	Jos Tharpe

Upon reading of which Mr. Speaker on behalfe of the house did acknowledge their Great Sattisfaction they rec^d by the Address and that they were Gladd they were Serviceable in so Great a Worke And hope they would putt in practise to 7 the Same accordingly

Thereupon they withdrew.

Coll^l Edw^d Dorsey a Member for Baltemore County enters the house, Whereupon M^r Lawrence Draper and M^r James Smallwood was Ordered to goe with them up to the Council board to see them sworne

Doctor James Bensons Peticōn for Sale of Milburnes Lands for paym^t of his debt was read.

And referred till tomorrow morning for further considera-
cōn

The peticōn of Peter Sewell of Calvert County Read thereby praying An Allowance for the Runaway Negroe that was shott

The house haveing Debated the same it was putt to the Vote whether he shalbe allowed any thing or not

Carried in the affirmative

And then putt to the Question whether it be Fifteen pounds or tenn pounds Sterling.

Carried by Majority of Voices that he be allowed fifteen Pounds Sterling

And Orderd the same be referred to the Comittee of Accounts for Allowance.

The Comittee appointed for drawing up an Address to her Maj^{ty} enters the house and brings with them the Address

Orderd it be read tomorrow morning.

And the house adj^d till tomorrow morn^g 7 a Clock

Fryday 26 June 1702

The house mett agⁿ and being called over were all p^rsent as yesterday

P. R. O. The peticōn of James Benson Ex^r of the last Will and
fo. 8 Testament of Sam^l Withers dec^d thereby praying An Act of
sale of the sd Withers Lands towards paym^t of the remainder
of his Debts was againe read and considerd Whereupon
the sd Benson being called came into the house and was
demanded to deliver to the house his Account of Administra-
cōn of decd's Estate and w^h Debts were remaining due to
the Creditors that the house might further proceed there-
upon He having delivered the same Withdrew

And orderd that M^r Richard Tilghman M^r John Salter and
M^r Phillip Lynes goe out and Settle the same and to inspect
as well the said Acco^{ts} of the Estate paid as what accounts
lye out to be paid and make reporte to the house of what
nature and quallity such debts are either publick or private
and to whom and how due and make their reporte thereof to
the house by the afternoone who accordingly withdrew

Mooved by a member of the house that Whereas Severall
Donations and Guifts had been Given to Severall persons in
a Severall manner and noe law provided to declare how and
in what manner it shalbe applyed therefore pray leave to Pre-
pare a Bill for that purpose ag^t the next Session of Assembly
wch was granted by the house

M^r Thomas Greenfield a member for Prince Georg's County
M^r Phillip Lynes for Charles County and M^r Edward Dor-
sey for Baltemore County enters the house and its Orderd
That M^r Thom^s Smith Attend the Councill with them to see
them Sworne who departe.

M^r Thomas Smith returnes and says He saw them Qualli-
fied

Proposed by a member that M^r Richard Beard may be sent
for to render an accot of the Countrey powder

fo. 9 Resolved he be sent for.

Peticōn of Christopher Goodhands and others relateing to
the [F]ines of lands & the bounds thereof to be
Accertained

It being debated the house thinks it reasonable that all
p^rsons concernd have notice thereof

Therefore the consideracōn thereof be referred to the next
Sessions of Assembly and

Ordered that M^r Nathan Henson Benj^a Weeks and Francis
Barnes have notice to appeare here the next Sessions if to
them it shall seem meet

From the Honob^{le} Councill came the Honob^{le} Thomas
Brooke Jno. Hammond & W^m Holland Esq^{re} and Coll^l Ed-
ward Loyd and p^rsents the following message to M^r Speaker
viz^t

By his Ex^{cy} the Governour & Councill in Assembly
June 26th 1702

P. R. O.

Wee have directed the Gent herewith sent to Communicate to you some proceedings in Counc^{ll} of the Eighth of May last upon the Occasion of his Ex^{cys} being informed that Lieu^t Coll^l Thomas Smithson Cheife Justice of the provinciall Court (and who had given great Sattisfaction to the Countrey in discharge thereof) had desired to be Excused and was not willing to Serve any longer in that Station

After your Consideration thereof wee recomend to you that you would Encourage the sd Coll^l Smithson cheerfully to persist in the Execution of his office by Suiteable rewards to his Services he being very well quallified for that Commission by his learning and great Study And it being very creditable for the Countrey to have such a p^rson to fill That place Tho^{fo. 10} at the Same time wee must Informe you that his Ex^{cy} Affirmes the said Coll^l Smithson has often mov'd him Expressing his Inclinations as desirous to be excused from Executeing that trust any longer but are confident will be ready in some great Measure to foregoe his privatt affaires and continue upon the termes proposed if the house thinke it may be of Service to the Countrey

Sign^d p ord^r W Bladen Clk Counc^{ll}

Mr W Bladen Clk of the Councill likewise appeared and produced and read to the house the proceedings of the Eighth of May as Above intimated and Soe with drew

And thereupon the same was read and debated And all Comittees being Called the house resolves on to A Grand Committee fully to debate the matter in the above message Containd and haveing made choice of Mr W^m Dent their chairman

And the Committee haveing considered the matter by the Gouverneur and Councill propos^d in relation to an Allowance to be made Coll^l Smithson and then the Committee dissolved & Mr Speaker againe tooke the chaire

1 Maj^r W^m Dent chairman reports as foll^s The sd Coll^l Smithson is a p^rson in all respects Quallified for that office and has deserved not only in that but other matters very well of this province and is well worthy a Consideracōn for the same

2 Wee never understood that any Countrey or province has paid any Judge or Justice Sallary Except defraying their fo. 11 charges but such charge has been allways Defray^d out of his Maj^{ty}s revenue.

3 For which causes wee cannot thinke fitt to lay any burthen upon the publick to raise such Sallary as is proposed

P. R. O. Which being reported to the House it is ordered the Same be Signified to his Ex^{cy} by way of Message w^{ch} was Accordingly done this day

Moved by a member whether it be not reasonab^{le} to allow Coll^t Thomas Smithson A Gratuity for his Many Signall Services done this province

Resolved there be a Gratuity of Fifty pounds Sterling paid him out of the publick Stock of this province

And Ordered Message be sent to his Ex^{cy} to Joyne in the Resolve of this house w^{ch} follows viz^t

By the house of Dellegates June 26 1702

It being mooved by a Member of this house that for as much as this province have rec^d Signall Services done by Lieut^t Coll^t Thomas Smithson whereby he is worthy of a considerable Gratuity Therefore Resolved By this house Nemine Contradicente that he be paid and allow^d out of the publick Stock the Sume of fifty pounds Sterling as a p^rsent Gratuity for Such service If yo^r Ex^{cy} please to concurr therewith

Signed p Order W Taylard Clk
house Delleg^{ts}

Eod Die

Assented to by the Councill

W Bladen Clk Counc^{ll}

James Benson's peticon read againe And

fo. 12 A peticon of Jasper Yates alsoe relateing to the Sale of Milburnes Lands Likewise an accot of the lands to be Sold And List of Debts due to the said Yates was alsoe read but for as much as the end of this Sessions is now Expected Therefore the Consideracōn thereof is further referrd until next Sessions and in the meantime the pet^{rs} are advised to prepare a bill for that purpose

Maj^r W^m Dent M^r W^m Hutchinson and M^r John Salter are appointed a Comittee for Laws who are Desired to withdraw to See what Laws are Absolutely necessary to be made or revived

M^r W^m Watts and John Baker members for St Marys County being in the house M^r Sam^{ll} Young and another member are ordered to attend them to the Councill board to see them Sworne

They returne and say they see them quallified

Maj^r Edward Dorsey Capt Lawrence Draper Maj^r Charles Greenberry and M^r John Baker Sent up to his Ex^{cy} with the

reporte of the Grand Comitteee relateing to Lieu^t Coll Thos P. R. O. Smithson and likewise sent by them the Ordinance for Allow^{ce} of a Gratuity to Coll^t Thom^s Smithson

They returne and say they deliverd the Same

M^r Rich^d Beard being sent for Enters the house to rend^r his Account of the publick Powder w^{ch} he deliver'd the house and was order'd to be entred as followeth Viz

June 26, 1702

An Acco^t of the publick powd^r g^t at first 320 qr barrells & disposed on as followes

Sent to St Mary's County	12	} Sent to the Co ^{ty} s 61
To Charles County	12	
To Prince Georg's County	13	
To Baltemore County	12	
To Somersett County	12	
Severall Quarters Barrells Sent		fo. 13
To Capt Coode for the King's Shipp Mes- senger	36	} Lent for the King's use 60
To Capt Bostick for the King's Shipp Eagle	24	
To Capt Whitehorne	8	} Lent Shipp Captaines 37
To George Jackson	1	
To Capt Humphreys	8	
To Capt Cooper	8	
To Capt Phillips	4	
To Capt Robinson	4	} 5
To Capt Britton	4	
To Esq ^{re} Tench	3	} 5
To Esq ^{re} Smith	2	
Spent at the State house	28	} Spent 34
Spent at Sundry Musters	4	
his Ex ^{cy} made use of	2	
	197	

Lent in all 102 Rec^d only 2 Erro^{rs} Excepted p me
Rich^d Beard

M^r Richard Beard having Delivered the Above Account is Orderd to withdraw the house and in the afternoone produce his warr^{ts} and Orders for the Delivery of the above powder.

The Honob James Saunders and Edward Loyd Esq^{re} enters the house and delivered a peticoⁿ of Thomas Reynolds Shr of Ann Arrundell County with the Councill Endorsements thereon wherein he pray'd An Allowance for fees for Executing Mallefactors

P. R. O. Which was here read and the house debated the whole
 fo. 14 matter in the peticon containd And Resolved the same petⁿ be
 Endorsed that this house are of opinion that the publick ought
 not to be burthened with any fees in such cases Therefore
 rejected

Which said peticōn soe endorsed was againe returnd by M^r
 Walter Smith and M^r Jno Hall

They returne and Say they delivd the same

George Muschamp and Kenelm Cheseldyne Esq^{re} members
 of this house haveing sent M^r Speaker their Letter for Excuse
 in not attending this Assembly wch being read and Considered
 the house Allows of their Excuse.

M^r Thomas Beale A Member of this house by his Lre
 Shewed his inabillity of travelling to attend this Sessions was
 here read and Excused The Committee of Laws Enters the
 house and Delivers M^r Speaker a Bill for Assessing and Ap-
 porcōning the publick leavy

Read the first and Second time and doe pass The peticon
 of Danⁿ Sherwood of Talbott County and others thereby
 Complaining against the Clk of Indictments and other officers
 for Some Abuses relateing to officers fees was here read

And the consideracōn thereof is referr'd to the next Sessions
 of Assembly. And Resolved that this house will then take
 proper methods to Suppress the Irregularity of such Officers
 fo. 15 M^r Beard againe by favour entred the house and produced
 his Warrts and Orders for delivery of the powder pursuant
 to an Order this day.

Whereupon its Ordered that M^r Samⁿ Young and M^r Jno
 Salter call before them the sd M^r Beard and Examine and
 regulate the said account p^suant to his Warr^{ts} and Orders
 and make reporte thereof to this house with all Convenient
 Speed.

The peticōn of M^r Rich^d Beard praying an allowance for
 the care and paines he took in delivering and preserving the
 publick powd^r and for removeing and Turning it for about
 fower years.

Resolved he be allowed for the same Eight pounds Ster^e
 Recomended to the Committee of Accounts

The Committee of Accounts enters the House and delivers
 M^r Speaker their Journall of Accounts

Which being read was endorsed

June 26th 1702

Read and Assented to by the house of Dellegates

W Taylard Clk

And the Committee was Ord^d to carry the same up to the P. R. O. Gov^r and Councill for their assent.

Moved by a member whether it might be not convenient that his Ex^{cy} be paid the other moyety of his donation being two hundred pounds Sterl^g for that he now designs to leave the Countrey

Resolved the same be forthwith paid to his Ex^{cy} by M^r Sam^l Young Trea[su]rer of the Western Shoare.

And that the following Warr^{ts} be sent to the Councill boarde for their assent.

By the house of Delegates

June 26 1702

Resolved that the Summe of Two hund^d pounds Sterl^g the remainder and in full of his Ex^{cys} donations be forthwth Satisfy'd and paid unto his Excy Nathan^l Blakiston Esq^{re} by M^r Sam^l Young Treas[ur]er for the Western Shoare & for soe doing this shalbe his Warrant

Signd p Ord^r

W Taylard Clk house Del^l

And was sent up to the Councill Boarde for their concurrence fo. 16
by M^r W^m Dent and M^r Phillip Lynes.

And was accordingly assented to by the hono^{le} Councill.

M^r Richard Tilghman and M^r Elisha Hall sent to his Ex^{cy} and Councill with the Endors^d bill for apporcōning the publick Leavy Togeather with the engrossed Bill endorsd June 26 1702 Assented to by the house of dele^s

Proposd whether it be not reasonable that some care be taken in keeping the Stadtshouse in repaire and forthwith to view the Same and Cause Amendm^{ts} where defective

Resolved that Coll Jno Hamond M^r Sam^l Young and M^r Lawrence Draper or any two of them take Speedy Care thereof.

Orderd that message be sent to his Ex^{cy} and Councill for that purpose w^{ch} follows viz^t

By the house of Dellegates

June 26 1702

This house haveing rec^d informacōn that the State house at Annapolis is Very leaky and out of repaire and likely to be worse unless Speedy care be taken to prevent it.

Therefore Resolved that Coll^l Jno Hammond M^r Samuel Young and M^r Lawrence Draper or any two of them be de-

P. R. O. sired to view the State house and see what repaires are wanting so that it may be amended at any other time when
 fo. 17 Occasion shall require that they would please to Employ such workmen for Speedy repaireing the sd house as to them shall seem meet

Resolved that for such worke as shalbe done about repaireing the State house shalbe satisfied for of the publick if your Ex^{cy} and Councill shall please to Concurr herewith

Signed p Ord^r W Taylard

Clk house Dell^s

Sent up for his Ex^{cy} and Councill's Assent and was againe returnd thus Endorsed Eod Die Assented to by the Councill.
 W Bladen Clk Counc^l

The Gent appointed to draw up the Address to her Sacred Maj^{ty} enters the house and delivers the same to M^r Speaker.

Ord^d to be read and Signd in the Afternoon

The house adjournes till two o Clock in the afternoone

Post Merediem

The house mett again and being called over all were p^rsent as in the morning

M^r Phillemon Lloyd enters the house M^r W^m Hutchynson and M^r John Whittington Ord^d to attend him to his Ex^{cy} and Council to See him Sworne

They returne with him and say they saw him quallified

The Address to her most Sacred Maj^{ty} Sent up to his Ex^{cy} and honob^{le} Councill to be signed.

M^r John Salter and M^r Sam^l Young Appointed to Examine
 fo. 18 M^r Beards Acco^{ts} of the powder Enter the house and doe reporte that they have Examined the said Beard's Accounts and finde the same to be agreeable with the Warrants and Orders produced.

The following peticōn was brought into the house.

To his Ex^{cy} the Governo^r the Honob^{le} Councill and house of Delegates now in the Assembly

The Humble peticōn of Phill^e Smith Humbly Sheweth

That yo^r petitioner by Order keeps the ferry over Seavorne River and being desireous to Settle on the South side thereof in This Towne but forasmuch as there is no lott of land neare to be had unless by favour of this Honble Assembly it being all lands in Co^mon upon that side of the river which is much to the Disadvantage of yo^r pet^r in his said Employ.

Your peticoner therefore humbly prays yo^r Ex^{cys} consider- P. R. O.
acōn of the p^{re}mises and place to recomend the same to the
house of Dellegates that some Ordinance may pass this Gen^l
Assembly for your pet to have the priviledge to take up one
Acre or lott of land neare Seavorne river on the Towne Com-
mon and yo^r peticōner shall Comply with the Act of Assembly
for purchase and building

And yo^r pet^r as in duty bound shall ever pray which said
peticon was thus endorsd

By the Gov^r and Councill in Assembly
June 26 1702

This peticon recomended to the house of Dellegates and
granted if the house thinks fitt

Eod Die By the house of Dellegates

fo. 19

The within peticon and the Councill's Resolve thereupon
was here read and by this house resolved they concurr there-
with and grant'd that the Pet^r have and enjoy such lott or Acre
of land to be taken up and built upon to him and his heires
for ever as fully and Amply as any p^{rs}ons whatsoever that
built in the Towne pursuant to the Act of Assembly

Signed pr Ord^r W Taylard Clk

The Address to her Sacred Maj^{ty} returnd to the house
Signed by the Gov^r and honob^{le} Councill and then was signd
in this house by the honob^{le} Speaker and the rest of the Mem-
bers of the house of Dellegates And Ord^d to be entred in the
Journall as followeth viz^t

To the Queens most Excell^t Majesty

The humble Address of yo^r Maj^{ty} most dutyfull
and Loyall Subjects the Councill and
Dellegates of the Assembly of
Your Majesty's Province
of Maryland.

Sad and Dismall was the News of the Death of our late
Gracious Sovereigne Lord William the Third of Ever blessed
memory whose Royall Virtues and heroick Atchievm^{ts} in
restoreing and Establishing the reformd Religion and main-
taining the Just Libertys of his Subjects had rendred his per-
son most Deare and his memory most fragrant to all his
loving Subjects and particularly to us who had Allways our
Just proporcon of his Royall care and bounty wee have lost fo. 20
a good and Great King who amongst his Subjects was an

P. R. O. Eminent Example of good Life a Discountenancer of Imorality and an Encourager of Vertue and Sober conversation And Abroad was the terror of the[ir] and the nation's Enemys and Supporte of his Alies whose Departure out of this Life wee with the rest of yo^r Maj^{ty}s Subjects most unfeignedly lament and condole But yett notwithstanding the sad Circumstance to which Almighty God (whose heavenly will be done) in his good providence has reduced us, Wee finde ourselves not a little comforted when we behold yo^r Maj^{ty} whom wee Acknowledge our true and rightfull Sovereigne Queen Leidge Lady Succeeding our sd Late Sovereigne not only in his Dignity and dominions but in all his virtuous pious and Gracious inclinations and disposicōns to protect our religion and liberty According to our knowne and Established laws and Steddily and w^{ith}out interupcon to prosecute the same Alliances and Royal Designes in w^{ch} wee pray God Almighty to prosper your Maj^{ty} & bless you with a long life and a happy reigne Wee acknowledge our happiness under the immediate Government of yo^r Maj^{ty}s Crowne and the Establishment of Religion among us and herein wee are oblidge in Gratitude to declare the care integrity and Justice of our p^{re}sent Governour Nath Blakiston Esq^r by whose Example and Encouragements Religion has been advanced among us and by whose Justice and Conduct wee have enjoyed all that free Subjects can reasonably desire or hope for and for whose leaveing us because he has not his health wee are heartily Sorry and entirely depend on y^r maj^{ty}s wisdom and Goodness to Supply
 fo. 21 us in that p^{ar}ticular And wee beseech yo^r Maj^{ty} to continue this y^r Maj^{ty}s ancient province in Your Royall Care and consideration Assureing yo^r Maj^{ty} of the Sinceere and good Affections of the Inhabitants thereof from whom yo^r Maj^{ty} may Expect all that cheerfull obedience which love and Duty Commands from—

Yo^r Maj^{ty}s most dutifull and loyall Subjects which was first Signd by the hono^{ble} Councill and then by the house of Dellegates

Coll Edward Loyd from the hono^{ble} Councill enters the house and Deliverd M^r Speaker the Journall of the Comittee of Accounts and

Bill for Apporconing the publick Leavy both assented to

And the sd Coll Loyd Acquainted M^r Speaker that his Excy and the hono^{ble} Councill were ready at the Councill chamber to receive them and the whole house to compleate this Sessions

Thereupon the house adjourned to the Council chamber where M^r Speaker p^{re}sented his Excy with the bill for Apporconing the publick leavy made this Sessions

To which his Excy was pleased on his Maj^{ty} behalf to give P. R. O.
his Assent by endorsing it as follows

June 26th 1702

On behalfe of her Maj^{ty} Ann by the Grace of God of
England Scotland France and Ireland Queen Defender of the
faith &c I will this be A Law.

N Blakiston

Which being done his Ex^{cy} was pleased to Seall the Same
with the broad Seale of this province which being soe sealed,
His Ex^{cy} was pleased to acquaint this house that he thought ^{fo. 22}
it Convenient for her Maj^{ty} Service to prorogue this Assem-
bly untill the last day of August next and accordingly they
were prorogued

Soe ended the third Sessions of Assembly on the 26th day
of June in the first yeare of the Reigne of our Souveraigne
Lady Queen Ann by the Grace of God of England Scotland
France and Ireland Defender of the faith &c Annoq. Dñi.
1702

Examind by the Originall
by me Tho Laurence Secretary

Endorsed

Maryland

Journal of the house of Delegates
from the 25 June 1702 To the 26 ditto

Presented to the Board
by Colonel Blakiston

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, October 26-29, 1703.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

THOMAS TENCH,
President of the Council.

THE UPPER HOUSE OF ASSEMBLY.

Maryland Ss

At a Council in Assembly held at the Town and Port of Annapolis in Ann Arundel County the 26th day of October in the second year of the reign of our most Gracious Sovereign Lady Ann by the Grace of God of England Scotland France and Ireland Queen Defender of the Faith &c Annoq. Dni. 1703

Original
Journal.

Were Present

The Honble Tho^s Tench Esq^r Presid^t of her Ma^{tys} Council

The Honble { Tho^s Brook Esq^r } Col Edw^d Lloyd } of her Maj-
 { Rob^t Smith Esq^r } L^t Col W^m Holland } esty's hon-
 Col John Hammond } ble Council

Ordered that the Clerk of this Board go down to the House of Burgesses and Enquire if there be a full House met, who went & being again returned acquainted this Board that forasmuch as the Speaker of that House was but very lately come over the Bay and much indisposed in his Health the House would only be called over this Night so that they might be in a readiness to attend this Board for her Majesty's Service to morrow morning

The Board adjourned till nine of the Clock to morrow morning

Wednesday Octob^r 27th 1703

The Board being met pursuant to last night's Adjournm^t Came from the House of Burghesses Maj^r Greenbery M^r Hutchinson M^r Bradley & M^r Tilghman

Who acquainted the Presid^t that their House was ready and waited the Commands of this Board and then withdrew

Whereupon ordered that M^r Brook Col Hammond L^t Col Lloyd & L^t Col Holland go to the House of Delegates and require M^r Speaker & the House to give their immediate attendance at this Board. Who went to the House of Delegates & Returned acquainting this Board that they had delivered their message

And in a very Short Space came M^r Speaker with the Members of the House to whom his Honour the President Spake as followeth viz.

Original
Journal. Gentlemen

Col Blakiston our Agent has advised that her Majesty has been pleased to appoint Col John Seymour to be our Governour, and that he designed to Leave England in July or August last in hopes to arrive here early this Month and had desired that the Delegates of Assembly as well as her Ma^{ty}'s Council might be convened in Assembly before the Winter set in Wherefore the Expectation of his Excellency's arrival & that we might meet & Congratulate him is the chiefest occasion of summoning this Assembly to give their attendance at this Time. And now seeing his Excellency is not yet arrived we recommend to the making a Computation of the publick Charge as the most necessary thing now to be done, and suppose it will be the most Easily done by a Committee and believe that all other Matters may be deferred 'till it pleases God his Excellency arrives with us unless Gent^a you know of any Business of Moment for her Majesty's Service or that the Interest of her Subjects and Peace and Welfare of the Province requires your immediate Consideration & Debate in which we shall readily Joyn with your House otherwise detain you no longer than is requisite for assessing the publick Levy or appointing a Committee to accomplish it Which We Leave to your prudent Consideration, and Desire your advice & assistance therein, And that you will also Enquire if any temporary Laws will expire for want of reviving & if so that a Bill may be prepared to that End

M^r Speaker & Members took Leave & repaired to their House

The Board taking into Consideration the right honble the Lord Cornbury's Letters and the several answers from this Board thereunto in Relation to the £300 sterl voted by the General Assembly for the Assistance of New York. And finding that the s^d sum had not yet been remitted for the reason given in their last Letter to his Lordship of the 23^d of June last, and being informed that Col Rob^t Quarry who is one of her Majesty's Council of New York was now in this Town who might be a fit Person (by giving a true account thereof to the s^d Governm^t) to rectifye any misapprehension if such should be by occasion of the s^d mony not being yett remitted

The s^d Col Quarry was desired to come to this Board and was made acquainted with the order of the Committee for apportioning the publick Levy An^o 1702 & the s^d Letter of the 23^d June last to his Lordsp the L^d Cornbury & promised to give a true acc^t of that matter to his s^d Ldsp. & Governm^t of New York. The Petition of Tho^s Tench Esq^r Adm^r of his Excell. Lyonel Copley Esq^r formerly his Majesty's late Governour of this Province praying the allowance of £116.. 10^s.. 8^d.

sterl. which by the Journals of the Committee of Accompts in Octob^r 1692 appears to be due to Col Copleys Estate being read together with the Proceedings of Several Committees were referred to the Consideration of the House of Delegates for Allowance

Original
Journal.

The Council adjourned for an hour

Post Meridiem

The Council in Assembly again Sat Present as before Came Ja^s Sanders Esq & was added to the Board

Then was read the Petition of John Burroughs of St Mary's County Planter praying the Remittance of a fine of five hund^d pounds of Tob^o imposed on him for not attending as a Juryman at the Provincial Court whereas he was prevented by Sickness

Due proof having been made of the Allegation in the Petition set forth Ordered the s^d Fine of five hund^d pds. of Tob^o be remitted & not levy'd upon the Petitioner who has been always very ready in his Person to serve the Government

Joseph Sanders of Ann Arundel County Planter his Petition read setting forth that whereas a Serv^t man & Woman of his had been lately executed for the murder of their fellow Servant besides which he had no Serv^t left and for that several of this Board were sensible It was Customary to have Allowance from the Country for such servants Executed He prayed allowance to be made him for his said Servant. Which Petition having been duly considered this Board do say that none of them know of any such Custom in this Province, but in regard his Circumstances are become very indifferent They do refer his Petition to the charitable Consideration of the House of Deleg^s

Col Francis Jenkins his Letter to the Board in Excuse of his not attending at this time being prevented by Sickness was read and admitted of

It being represented to this Board that three Saylor's belonging to the Ship Constant Mary Joseph Palmer Ma^t who loaded in South River had deserted the s^d Vessel upon her Departure and were and still are harboured and Entertained by one John Turner a Planter at the Head of the said River

Ordered that the Sheriffe of Ann Arundel County take the said John Turner & the three Saylor's afs^d into his Custody and bring them before the honble James Sanders Esq^r one of her Majesty's Council to be dealt with according to Law

The Board being informed that M^r Rich^d Beard who was the Keeper of the publick Magazine at Annapolis was lately dead sent the following Message to the House of Dellegates

Original
Journal.By the President & Council in Assembly
Octob^r 27th 1703.

Gentlemen.

Mr Rich^d Beard the Person employed & Entrusted to look after the publick Magazine at Annapolis being lately dead The same is now in the Custody of Matthew Beard his son upon which occasion you are desired to appoint some of your Members to join with some of this Board to view the said Magazine and appoint either the said Matthew Beard or some other fitting Person to look after it

Signed p order W Bladen Cl Counl

Sent by Col Lloyd & L^t Col Holland

Came Mr Lynes & Mr Parker from the House with Mr Vanderheyden who in their Presence made Oath to his Naval Officers Accounts as likewise did W^m Bladen to those of his Collection in the Naval Office at Annapolis

Resolved that this Board will write to his Excellency Col Blakiston. Whereupon having given Instructions to the Clerk to prepare the said Letter

They adjourned for half an hour and being again met Present as before the following Letter was read and presented to them which they approved of & severally Signed. Viz.

Maryland Octob^r the 27th 1703S^r

We have the favour of your Excellency's most kind Letter of the Tenth of February last wherein you are pleased to continue to us the assurance of your Friendship and particular Regard for this Province for which we give you our most humble and hearty Thanks assuring you that We shall be always ready to demonstrate our hearty Good Wills & Regards for your Excellency wherein we may be able

As to what your Excell^{cy} intimates in yours concerning Mr Joseph Holt late Rector of William and Mary Parish in S^t Marys County, Due regard was immediately upon receipt of your Letter had thereto and the said Holt suspended as he now stands until application by him be made as by your Letter directed

S^r We are not a little happy even in the expectation of so worthy a Gentleman (to help to make up our Loss in your Excellency) as you are pleased to denote his Excellency Col John Seymour your successour of whom we are very ready to believe your Excellency's Character very just and hope he will meet such treatm^t in this Province as may befit her Majesty's

good & dutiful Loyal Subjects and his just and worthy deserts, according to your Excellency's desire we contrived the Assembly to meet the 26th Inst^t in Expectation of Col Seymours Arrival and her Majesty's Royal Commands, but Col Seymour not being arrived nor any such come to Hand we shall only proceed to compute and defray the publick Charge which will be very little this year

Original
Journal.

Our President has assured this Board that he never wrote to the R^t Honble the Lords of the Council of Trade & foreign Plantations, but only acquainted your Excellency with what he had been informed ab^t the Revenue of the Governm^t with which he has never meddled further than the Moiety according to your Excellency's Settlement when here, and that he has wrote to Satisfy your Excellency therein

S^r We cannot overlook your peculiar regard for this Province in the Station you have been pleased, to Act for our Interest as well in your Sollicitations for the royal Assent to our Act for the Establishm^t of Religion (which we have received) as also for your watchful Diligence to withstand such assaults as have been made for the repealing and abrogating our Land Law which we hope will yet be thought very reasonable & not at all prejudicial to the Lord Baltimore And of this and all other matters wherein you are pleased to Serve the Country as their Agent We Hope not only Our Selves but the whole Province will have a most grateful Sense and make you just & honourable Satisfaction as proposed and concerted in Assembly

We are Sir
Your Excell^s most obliged
faithful humble Servants

To Col Nathaniel Blakiston in Duke Street Westm^r

Thomas Tench

{	Edw ^d Lloyd	Tho ^s Brooke	}
	W ^m Holland	Rob ^t Smith	
{	James Sanders	Jn ^o Hammond	}

M^r John Freeman his Petition read praying Allowance for divers Expresses he had been sent upon for the publick Service. This Board being Sensible of his readiness on these Occasions to serve the Country do recommend to the House of Delegates that he be Considered for his Service in going down to & over Potowmack to fetch the Pacquetts in the first part of the Petition mentioned but as to the latter part of the Petition reject the same for that he was not Employed by this Province

The Board adjourned till 8 of the Clock to Morrow morning

Original
Journal.

Thursday October 28th 1703

The Council in Assembly again Sat Present as yesterday
Came M^r Will^m Harris & five other members from the
House and bring up three Bills

For regulating ordinarys &c For reviving some Temporary
Laws, & for appointing a Committee to lay the publick
Levy this present year

The Bill for regulating ordinarys &c being read and re-
quiring further Time to debate than this present Session will
admitt of is referred by this Board to the Consideration of the
next Assembly

The Bill for reviving some temporary Laws read the first
time & will pass

The Bill empowering the Committee to lay the publick Levy
read the first & second Time & will pass with this Alteration
in the 3^d line viz^t only to assess & apportion the publick charge
for this year

The Council in Assembly adjourned 'till 2 of the Clock in
the Afternoon

Post meridiem

The Council again Sate Present as in the morning

Came M^r Parker & M^r Lynes from the House of Delegates
who saw M^r John Bosman make oath to his Naval officers
Accompts

The Petition of Capt Arnold Elsey and M^r Rich^d Chambers
was read praying an Act of Assembly might be made for the
Sale of some Lands late of Cap^t Henry Smith of Somersett
County dec^d for the payment of his just Debts & the s^d Prayer
of the Petitioners being thought very reasonable by this Board

Ordered that it be recommended by the House of Delegates
for a Bill to be prepared pursuant to the Petition upon a due
hearing of all Partys interested against the next Session of
Assembly and that in the mean time the clerk of the Council
send a copy of the s^d Petition & Summons to such as are con-
cerned with the said Cap^t Smith's Estate that they fail not to
appear at the next Session of Assembly whensoever held in
order to be heard for or against the passing of the said Bill

Col Will^m Whittington's Petition read setting forth that
whereas he had built & sent out a Ship called Hannah which
happened to be taken by the French She being laden with
Tobaccoes for which he had upon her clearance in this Pro-
vince payed the Duty of two Shill & six pence p Hh^d

He therefore prayed that Sixpence p Hh^d might be returned
him, In answer whereto the Board are willing he should have
3^d p Hh^d the Duty properly to the County returned him but

as to the other 2^s & 3^d p^h payed to her Majesty & Lord Baltimore

Original
Journal.

The same is not in their Disposal

The Council adjourned 'till 8 of the clock to morrow Morning

Fryday Octob^r 29th 1703

The Council in Assembly again Sate Present as Yesterday Came L^t Col Tho^s Smith and M^r John Hall with the Journal of the Committee of Accompts for this present Sessions which was assented to by this Board.

The said Committee also humbly offered to the Board that this years public Levy in regard of the small Crops of Tob^o made this present year 1703 occasioned by the late Seasons early Frosts & Great Gusts might be paid out of the publick mony in Bank at the Rate of ten Shill. for every hund^d pounds of Tob^o which was also agreed to

Came M^r Tilghman and M^r Hutchinson from the House of Delegates and bring up a Bill for reviving some temporary Laws and a Bill for apportioning the publick Levy assented to by the House which were again Read and assented to by the Council and sent to the House

Then came M^r Tilghman from the House of Delegates & acquainted his Honour the President that the House were ready to attend him in Council in order to Conclude this present Sessions and is told that the President and Council are ready to receive them

Whereupon came M^r Speaker and the Members of the House & presented the Act for reviving some Temporary Laws and an Act for apportioning the publick Levy which said Acts on behalf of her most Sacred Majesty Queen Ann of England &c the Honble President & Council Willed to be Laws & Subscribed them the Great Seal having been first affixed thereto in the Presence of the General Assembly

Which s^d General Assembly was by the President & Council Prorogued until the fourth Day of January next Ensuing

William Bladen Cl Council

ACTS

Att a Sessions of Assembly Begun and held att the Port of Annapolis in the Province of Maryland on the twenty Sixth day of October and in the Second year of the Reign of her most Sacred Majesty Queen Anne of England &c^a Annoq Dini 1703.

Lib. L. L.
No. 2.
p. 425

Were Enacted These following Laws.

An Act for Reviveing Some Temporary Laws of this province.

Bee it Enacted by the Queens most Excellent Majty by and with the Advice and Consent of this Present Generall Assembly and the Authority of the same That one Act of Assembly made at a Generall Assembly begun and held at the Port of Annapolis the twenty Eighth day of June in the year of our Lord Sixteen hundred ninety nine an Act for limitation of Officers fees. One other Act made at the same Assembly Entituled an Act for Sumoning Grand and Pettit Juries One other Act made the Same Assembly Entituled An Act for ordering and Regulating the Militia of this Province for the better defence and Security thereof. One other act made the same Assembly Entituled an Act for raising a Supply Towards the defraying the Publick Charge of this Province and to prevent too great a number of Irish Papists being Imported into this Province. One other Act made att a Sessions of Assembly begun and held at the Port of Annapolis Aprill the Six and Twentieth Annoq Domini one thousand Seven hundred Entituled an Act for Quietting differences That may arrise between his Majties Subjects within this province and the Severall Nations of Indians of what places Soever One other act made at a Sessions of Assembly begun and held at the Port of Annapolis the eighth day of May Seventeen hundred and one Entituled An Act for laying an Imposition of three pence p hogshead on Tobacco for defraying the publick Charge of the Province and all and every Article Clause and thing in the said Acts Contained shall be and are hereby received and Continued to stand and be inforce and Effect for and untill the end of the next Sessions of Assembly

By the Council in Assembly October the 29th 1703 Read and assented to

W Bladen Cl Concil.

Lib. L. L. October the 29th 1703 by the house of Delegates read and
No. 2. assented to

W Taylard Clk house Delegates.

Maryland October the 29th 1703.

On the behalf of her most Sacred Majty Anne by the grace
of God Queen of England, Scotland France and Ireland, Wee
Will these to be Laws.

Tho. Tench p^rsident, Tho Brooke
Robert Smith, John Hammond
Edward Lloyd William Holland
James Sanders.

{ the
 broad Seal
 of Maryland }

An Act Impowering a Committee to Lay Assess and Appor-
tion the Publick leavy for this present year Seventeen
hundred & three

p. 427 Forasmuch as it would be a great Charge to this Province
in generall for the whole Assembly to Continue Sitting only
to Assess and proportion the Publick Charge for this present
year for prevention whereof Bee it Enacted by the Queens
Most Excellent Majtie by & with the advice and Concent of
this present Generall Assembly and the authority of the Same
That one Burgess or Delegate out of each Respective County
and one out of the City of St. Maries be and are hereby
authorized Empowered and appointed a Committee to Joyn
with some of her Majties honourable Councill to Lay and
equally Assess the said Publick Leavy of this Province that is
to say of her Majties hoñble Councill The hoñble Robert
Smith Esq^r Col^o John Hammond and James Saunders Esq^{rs}
and of the house of Delegates M^r Richard Tilghman for
Talbot County M^r George Muschamp for the City of St
Maries M^r William Watts for the County of St. Maries Maj^r
Thomas Smyth for Kent County M^r Samuell Young for Ann
Arundell County M^r William Parker for Calvert County M^r
Phillip Lynes for Charles County M^r John Hall for Baltemore
Maj^r William Harris for Cecell County M^r Thomas Greenfield
for Prince Georges County M^r Jacob Loockerman for Dor-
chester County M^r Peter Dent for Som^rsett County or the
Maj^r part of them shall be and appeare at the towne and port
of Annapolis on the thirtieth day of October Instant then and
there to Lay and Assess the said publick Leavy already
raised and also to allow leavy and Assess what further Charge

may Accrue which to them shall lustly appeare to be due from the publiq not Exceeding forty Thousand pounds of tobacco more than what is Allready raised And likewise to apportion order & pay out of the publiq Treasury of this province the Summe of one hundred & Sixty four thousand four hundred Thirty Six pounds of tobacco and Eighty four pounds Sixteen shillings & ten pence Pd to the Srāll psons to whom the same shall be due as by the Journall of the Committee of Accounts appeares and a faire Journall of all their proceedings to Deliver to the Clark of the Assembly for the Satisfaccōn of all psons therewith Concerned &c.

By the house of Delegates
October the 29th 1703

Read and assented to
W Taylard Clk house Del.

{ the great
Seale of
Maryland }

By the Council in Assembly
October the 29th 1703

Read and Assented to
W. Bladen Cl Council

Maryland October the 29th 1703.

On the behalf of her most Sacred Māty Anne by the grace of God of England Scotland France and Ireland Queen Defender of the faith &c^a Wee will this to be Law

Tho. Tench p^sident, Tho. Brook Robert Smith, John Hammond, Edw^d Lloyd, W^m Holland James Sanders.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, April 26 to May 3, 1704.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN SEYMOUR,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Journall
of the councill in Assembly from the 26th
of Aprill to third of May 1704.

Maryland ss.

p. 1

Att a Councill in Assembly held att the Port of Annapolis in Ann Arundell County the Twenty sixth day of Aprill in the third Year of the Reign of our Sovereigne Lady Anne by the Grace of God of England Scotland France and Ireland Queen Defender of the Faith &c^a Annoq Dñi 1704.

Were Present

His Excellency Iohn Seymour Esq her Ma^{tys} Cap^t Gen^{ll} & Gov^rnour in chief in & over this her Maj^{tys} province &c.

The Hon ^{ble}	{	Thomas Tench Esq	Col. Edward Lloyd	}
		Thomas Brook Esq	L ^t Col. W ^m Holland &	
		Col. In ^o Hamond	M ^r Iames Sanders	

His Ex^{cy} the Gov^r being acquainted by Major William Dent M^r Philemon Lloyd & other Members of the house of Delegates that a sufficient Number of them were assembled at the Stad^t House but that Lieu^t Col. Thomas Smithson the Speaker of their House was very Sick & not able to come to this Sessions was pleas'd to direct them to go to the house & make choice of Some other fitt person to be their Speaker.

And after some short time came the said M^r Philemon Lloyd & Maj^r Charles Greenberry who acquainted his Ex^{cy} that their house had made Choice of Major W^m Dent to be their Speaker And desired to know if they might now present him for his Ex^{cys} Approbation To which his Ex^{cy} answered he was ready to Receive them. p. 2

Then came the Members of the house of Delegates & presented to his Ex^{cy} Major William Dent for their Speaker who thus Address himself to his Ex^{cy} that Alltho' the house had been pleas'd to make choice of him for their Speaker Yett he hop'd & pray'd his Ex^{cy} would be pleas'd to direct them to make choice of other person better Qualified for that weighty Trust & Service from which he desired to be excused as altogether unfitting. But was answered by his Ex^{cy} that he could not Disapprove of what the house had done especially in this their choice of him Then M^r Speaker in the Name of the province did intreate his Ex^{cy} that all her Ma^{tys} Good

P. R. O. Subjects in this Province might be Supported & protected in their Iust rights & Libertys that the house might have access to his Ex^{cy} on all Occasions for the Service of her Ma^{ty} & the Province And Freedom of Debate and lastly that if any Mistakes or Misunderstandings should happen He prays his Ex^{cy} will not attribute it to the house but to himself.

After which was Administerd to the said M^r Speaker & the Delegates of Assembly the Oaths appointed instead of the Oaths of Allegiance & Supremacy And the Oath appointed by the Act made in the first Year of her Ma^{ty}s Reign for the Declaring the Alterations in the Act &c. Which oaths the said Members took before his Ex^{cy} the Gov^rnour in Councill & subscribed the later together with the Test. After which his Ex^{cy} was pleas'd thus to bespeak them.

M^r Speaker & You Gent }
of the of house Delegates }

Since her Ma^{ty} has been Graciously pleased to entrust me with this charge I think it proper to acquaint you I have long served the crown with a Dutifull Fidelity and have allways been a true Lover of my country under its Noble constitution in church & State.

To a truely honest man of what perswasion so ever my Ears and Bosom too shall be ever open, for good Moralls will alwayes haue a just Esteem in my friendship, and awell grounded sincerity shall never be denyed a rightfull Clayme to my Protection.

Gentⁿ

As our gracious Mistress the Queen allowes a free Toleraon to all her Protestant Subjects, within this Province, you shall have my concurrent assistance in Every thing that has vertue and religion at bottom, not Doubting of yours to punish all sort of Prophaneness, Immorality and faction.

You shall haue a Scheme gent ot those Laws her Ma^{ty} would haue amended, and of others to be Enacted, worthy your consideraon, there are none proposed but what are thought highly necessary, and most of them for yo^r Ease and advantage, What concernes my selfe I hope you'll soe farr concurr with her Majestyes good intentions towards me, to thinke I may haue as faire a pretence to your fav^r as my Im-mediate predecessor.

For I solemnly assure you Dureing my Administration here, I'll doe my utmost to advance the Interest and Reputation of this Collony, and protect Every inhabitant wthin itt in his lawfull rights, and Immunities, I hope noe gent of this

Worthy assembly will think me unreasonable craving to putt ^{P. R. O.} you in mind her Majesty is willing to haue some place built, and sett apart for her Governour here, w^{ch} will remaine a lasting remarke of your Respectfull regard to the Dignity of her Sacred Majestyes comⁿ, as likewise an ornament to your country, and a Satisfaction to those which shall succeed me.

For you cannott think the Place where I am att p^rsent a healthy situation, or a place fitt for agentⁿ that bears a Publick Character.

I must putt you in mind gentⁿ her Majesty would haue her Militia here soe regulated, and Disciplined, that they may be of use to the Country on any Emergency.

I likewise recommend to yo^r consideraon the renewing of our Treatyes with the Indians, that such of them as are usefull, and honest to us, may be encouraged, and hope you will think and advise me the Properest Methods of doeing it Effectually.

Geñt

Since her Majesty to her immortall Glory makes itt her sole business to Establish the Grandeur, and happiness of all her Dominions, lett us with one heart and one voice pray God almighty to bless and Prosper this our gracious good Queen Anne with long life, and a happy Reigne over us, and lett our Cheereful unanimous resolutions Demonstrate how sincerely wee are her Majestyes most Dutyfull and Loyal Subjects.

I desire therefore you will all heartily address your Selves to those Great & Good Ends for which we are mett And ^{p. 4} when you give me notice Your house is Sett I will take Care to Communicate to you such farther of her Ma^{ty}s Royall com^{nds} w^{ch} I am Directed to lay before you wherein I will not doubt your ready Advice & Assistance.

After which his Ex^{cy} was pleas'd to read this her Ma^{ty}s Royall Instruccōns following viz^t

Anne R:

Trusty and Well beloved wee greet you well, whereas srall inconveniencies haue arisen to our Government in the plantations by Gifts and presents made to our Governour, by the Severall Assembly, Wee haue thought fitt hereby to Signifie our Express will and pleasure that neither you our Governour, Commander in Chiefe, or president of the Councill of our Province of Maryland for the Tyme being, doe giue your or theire consent to the passing any law or act for any Gift or present to be made to you or them by the Assembly, and that neither you or they doe receiue any Gift or present from the Assembly or others on any account, or in any manner whatsoever,

P. R. O. upon Paine of our highest displeasure, and of being recalled from th^t our Government (Except onely that whereas there is noe house appointed sett or apart By us, for our said Govern^r and the Assembly of our said Province haueing upon the arrivall of Col^t Blakiston our late Governour there past an act for Raiseing a further Revenew of three pence p Hogs-head, as an additionall allowance to him for his present Maintenance, dureing his Government over & aboute his ordinary allowance out of the Duty of two shillings p hhd upon Tobacco Exported, Wee are pleased to permitt the Assembly to repass the like act, for your better Maintenance, as alsoe to assigne you a house, or Rent for the same, provided the said Act be passed, and house or Rent assigned for an unlimited Tyme, or dureing your continuance in that Government

And wee doe further direct and require that his Declaraon of our Royall will and pleasure be communicated to the Assembly att theire first meeting after the Receipt hereof, and Entred in the Registers of our Councill and assembly that all persons whome itt may concerne may govern themselves accordingly, Soe wee bidd you farewell.

P. 5 Given at our Court at St James's the twentyeth day of April 1703 in the Second Year of our reign.

by her Ma^{tys} Com^{and}
Nottingham.

And then M^r Speaker & the members of the house tooke leave & Departed to the house.

Came Robert Smith Esq of her Ma^{tys} hon^{ble} Councill who took the Oaths &c. & subscribed the later with the Test.

The Oath for better Securing the Succession of the Crown &c. being tendred to Col^o Henry Lowe one of the Delegates for St Marys County & being read to him he Desired leave to Consider of that Oath before he took it Whereupon his Ex^{ncy} asked him if he was a Protestant.

The Councill Adjorn till 8 a Clock to Morrow Morning.

Thursday April the 27th The Councill Sate
Present as Yesterday

P. 6

By his Ex^{ncy} the Governour in Councill in Assembly
April 27th 1704.

Then was sent to the house of Delegates by the hon^{ble} [Council].

A Copy of Severall of her Most Sacred Ma^{tys} Royall Instruccōns to his Ex^{cy} John Seymour Esq her Cap^t Gen^l & Governo^r in Chief of this her Province.

And whereas by a late act of Assembly of our Province of Maryland Entituled an Act for Establishment of Religious Worship in this Province, accordeing to the Church of England, and for the Maintenance of Ministers, It is amongst other things Enacted and ordained, that the Vestrymen of Each Parish, and other persons shall before their Enttring upon their respectiue offices, subscribe the Association made, and mentioned in an act made, in the Seaventh yeare of the Reigne of his late Majesty William the third, Entituled an Act for the better secureing his Majestyes royall pson, and Governement. But whereas by the Death of the late King Iames, and by the decease of his late Majesty King William the third the subscrieing the said Association is not necessary to be any longer continued, such part thereof as relates to the Support and Defence, and Succession of the Crowne therein mentioned, being more fully provided for, by the aforesaid oath in aforementioned act Entituled an act to declare the alteraons in the oath appointed &c. and its accordingly thereby Enacted, that so much of the a^d act, of the Seaventh yeare of his late Majesty King William the third, as relates to the said association therein contained, or the requireing any officer, or other psons in the said act mentioned to Subscribe the Same, or the Enacting any forfeitures, penaltyes, incapacities, or Disabilityes upon any person for the neglect, or refusall to subscribe the same, or that requires any Court or Courts to tender the said Association be and are declared to be void and of noe Effect, to all intents and purposes whatsoever, You are therefore to moue the generall Assembly of our Province of Maryland that an act be there passed in like Mann^r to declare the Association to be Determined, and to Annull the obligaōn that lyes upon any pson there to take the Same, either by the forementioned act Entituled an Act for the Establishm^t of Religious Worship in this Province, accordeing to the Church of England, and for the Maintenance of Ministers or any other act heretofore passed in our said province whatsoever, and that itt may be the better understood what act and Laws are in force, in our said Province of Maryland you are with the councill there to take care, that all Laws now in force be revised and considered.

And if there be any thing either in the matter or Stile of them, which may be retrenched, or altered, you are to represent the same unto us with your opinion touching the said Laws now in force (whereof you are to send a compleat body unto us, and to our Com^{rs} for trade and plantations with such alteraons as you shall think fitt, to the End our approbation or Disallowance may be Signified, there upon

P. R. O. With this her Majesties Instructions his Excy recomēds to you the Explanatory observations from the R^t hon^{ble} the Com^{rs} of Trade and Plantations herewith sent you.

2^d You are to obserue in the passing of Laws that the Style of Enacting the Same be by the Governour Councill & assembly, and noe other, You are alsoe as much as possibly to obserue [sic] in the passing of all Laws, that whatever may be requisite, upon each different matter be accordingly provided for by a different Law, without intermixing in one and the same act such things as haue noe proper relacon to each other, and you are more Especially to take care th^t noe clause or clauses be inserted in, or annexed to any act which Shall be forraigne to what the Title of such respectiue acts imports.

3. You are to take care that in all acts or orders to be passed within that our Province, in any case for Levying money and imposeing fines and penaltyes express mention be made that the same is granted or reserued to us our heirs and and Successors for the Publick uses of that our Province, and the Support of the Governement thereof, as by the said act or order shall be directed

4. and wee doe particularly require and comānd that noe money or vallue of money whatsoever be given or granted by act or order of Assembly to any Govern^r Lieuetenn^t Govern^r or Commander in Chiefe of our said Province, w^{ch} shall not accordeing to the state of acts of Paliament in England be mentioned to be given and granted unto us with the humble desire of such assembly, that the same be applyed to the use and behoofe of such Governour, Lieuetennant Govern^r or commander in chiefe, if we shall think fitt.

5: And whereas the gen^l Assembly of our said Province has by severall Temporary laws Enacted that a duty of three pence Sterling per hhd upon all Tob^o exported out of the said Province (over and aboue the aforementioned moyety of two shillings p hhd) should be paid unto us our heirs and Successors dureing the tyme limittied by Each act respectiuey for the Support of the Governour of the s^d Province Wee being willing that a like provision be made for your better support and maintenance in the said Governem^t are graciously pleased and doe hereby direct, that if the Generall Assembly of our Province shall pass an act for Settling upon us the whole Duty of three pence p hhd, dureing yo^r continuance in the said Governement or for longer Tyme, You may (in that case) receiue and take the same unto yo^r own use, over and aboue the three fourth parts of the forementioned Moyety of two shills p hhd, as before directed.

6: And you are to recomēd to the next generall Assembly the raising of such other Supplyes, from tyme to tyme as may

be sufficient for defraying the other necessary charges of that P. R. O. Governement

7: You are not to permitt any clause w^tsoever to be inserted in any Law for levyeing money, or the v^lue of money, whereby the Same shall not be made lyable to be accounted for unto us here in England, and to our high Treasurer or the Com^{rs} of our treasury for the tyme being

8: And it is our Express will and pleasure th^t noe Law, for raising any imposition on Wines and other strong liquors be made to continue for less than one whole yeare, as alsoe that all other Laws whatsoever for the good governem^t and Support of our said Province, be made indefinite & without limitation of tyme, Except the same be for a Temporary End, and which shall Expire, and haue its full Effect, within a certaine tyme

And therefore you shall not reenact any law, w^{ch} hath, shall, or haue been once Enacted there, Except upon very urgent occasions, but in noe case more than once without our Express consent

9: And you are particularly not to pass any Law or doe any act, by Settlement, Grant or otherwise, whereby our revenue may be lessened or impaired, without our Especiall leave or Commands therein

10. You shall not pmitt any act or order to pass in our said Province, whereby the price or v^lue of our currant Coyne (whether it be forreigne, or belonging to our Dominions, wthin yo^r Governem^t may be altered without our p^ticular leaue or direction for the Same

11. You shall take care that all planters and Christians servants be well and fittly provided with arms, and th^t they be listed under good officers, and when and as often as shall be thought fitt mustered and trained, whereby they may be in a better readiness for the Defence of our said Province under yo^r governement, and you are to use yo^r uttmost, Endeavours, that such planters to each of y^m keep such a number of white Servants, as by Law is directed, and th^t they appeare in Armes att all such tymes as they shall be required.

12: and whereas there is noe power given you by yo^r Comⁿ to Execute Martiall Law in tyme of peace, upon Soldiers in Pay, and that nevertheless itt may be necessary, th^t some care be taken for the keeping of good discipline amongst those, that wee may att any tyme think fitt to send (which may properly be provided for by the Legislatiue power of the same) you are therefore to recommend unto the generall assembly of our said Province that (if not already done) they prepare such act or Law, for the punishm^t of Mutiny and Desertion and false Musters, and for the better preserueing

P. R. O. the good Discipline, amongst the said Soldiers as may best answer those Ends

13 You are to demand an account of all persons concerned of Arms, Ammunition and Stores sent to our Said Province from the office of ordinance here, as likewise what other Arms, Ammunition and Stores haue been bought with the publick money for the Service of our said Province, and how the same haue been Employed, and whether any of them, & how many of them have been sold, spent, lost, decayed or otherwise disposed off, and to whome, & to w^t uses and to transmitt the s^d account as aforesaid

14. You shall take an Inventory of all armes, Ammunition and Stores, remaineing in any of our Magazin's or Garrisons in our said Province, and transmitt the same immediately to us and to our Com^{rs} for Trade and plantaons and the like Inventory afterwards yearly

15 You are to take Especiall care that fitt Storehouses be settled throughout that our Province for receiueing & keeping of armes, Ammunition and other Publick Stores

16 You shall likewise take care that a generall Survey be made of all our said Province, and of each County in it, and that an Exact Mapp, or Mapps be drawne, and transmitted as af^d

17 You shall cause a Survey to be made of all the considerable landing places, & harbours in our said Province, & wth the advice of our Councill, there Erect any of them, and such fortifications, as shall be necessary for the security & advantage of th^t our province, which shall be done, att the publick Charge, in w^{ch} wee doubt not of their cheerfull concurrence

p. 11 18. You are to Endeavour with the Assistance of the Councill to provide for the Raising of Stocks & building publick Work houses in convenient places for Employing of poor & Indigent people.

[No. 19 not given here]

Truly Copyed from the Originall

Jo: Seymour.

Colonell John Addison one of her Ma^{ty}s hon^{ble} Councill having wrote to his Ex^{cy} to acquaint him that he is very lame
p. 12 & not able to attend the Councill & praying to be Excused His Excuse is Admitted

Kenelm Cheseldyn Esq being also appointed of her Ma^{ty}s hon^{ble} Councill in this Province being violently afflicted with the Goute pray'd his Ex^{cys} favourable Acceptance of his willing Intentions had it not pleasd God that he is now so afflicted that he is not able to attend the Board

M^r Cheseldyns Excuse is Admitted tho' his Ex^{cy} was pleas'd P. R. O.
to say he is heartily sorry he cannot have the p^rsent Advice
of two Such worthy Gentⁿ as he is Inform'd Col. Addison &
M^r Cheseldyn have approved themselves.

His Ex^{cy} was pleas'd to lay before the Board M^r John Evans
William penn Esq the Proprietor of Pensilvanias Deputed
Governours Letter of the 20th of April with the Case of
the Inhabitants of Sussex & Whorekills County's in that
Gov^rnm^t about Lands they alledge to be there & for which
they are impleaded in this province praying that stopp may
be putt to such suites untill the Dividing Line be runn out
between the two proprietors the Lord Baltemore & W^m
Penn Esq.

Ordered the said Letter & case be laid before the house
of Delegates for their consideration, And for that this Dis-
pute lying undetermin'd so long is of very pernicious conse-
quence in that Justice is impeeded the Sheriff of Som^rsett
County in this Province & of Sussex County in those Terri-
torys not knowing the limitts of their Bayliwicks so that many
persons Evade the Laws each of those laws being fearfull &
uncertain what to do on this Occasion It is proposed to the
house of Delegates to Advise the properest & Readiest
means to prevent that Inconveniency & p^rjudice that her
Ma^{ty}s peace may be p^rserved & her subjects holding Lands
under both the proprietors may know what to Trust to.

Sent to the house by Col Holland

Came M^r William Harris & three other Members from the p. 13
house & delivered at the Board a bill for Recognizing her
p^rsent Ma^{ty} & a bill for Settling a Revenue on her Ma^{ty}s Gov-
ernour w^{ch} said Bills were read the first time—The said Gentⁿ
also brought from the house to his Ex^{cy} as followeth viz^t

By the house of Delegates
April 27th 1704.

May itt please your Exc^y

S^r

Wee haue read and deliberately considered of what your
Excellency was pleased to say to us att the opening of this
sessions, and wee are well Satisfied, th^t you haue long and
faithfully serued the Crowne, like a true English gent, & th^t
giues us the full Assurance th^t you will continue to doe soe,
in being a good and Just Governour to us, and th^t Every man
of honesty & good moralls will find itt

Wee haue taken care to haue the Laws touching Religion
and for discourageing immorality and Prophaness Examined,

P. R. O. and as soone as itt can be considered, wee'll humbly offer our thoughts thereon, And the same, Methods wee shall obserue about the Militia.

Wee shall be ready to consider those Laws her Sacred Majesty would haue amended or enacted, whereof your Excellency is pleased to say Wee shall haue a Scheme, Wee'll propose & advise to the best of our understanding, being assured that our princely Queen has noething more firmly in her princely Thoughts than the Happiness of her Kingdomes and Dominions, and therefore with Cheerfull and Glad harts, wee haue by the bill herewith transmitted recognized her Majesty our most Gracious Soveraigne, prayeing to God long to continue and prosper her Raigne, over us, and as to what concerns yo^r Excellency wee hope, the bill herewith sent to waite upon the former will giue yo^r Ex^{cy} full assurance that wee haue as great a vallue for you, as for any of yo^r predecessors, which wee haue passed with one voice, and Desire yo^r Excellency to accept, as a token of our hearty Thanks.

As to the building a house for her Majestyes Governour, wee shall direct measures to bee taken for proceeding therein and must pray time to consider of itt, that itt may be soe ordered, as to answer the End its done for.

And here wee pray leaue to acquaint your Ex^{cy} that the Commodores resolution of soe suddaine a departure putts ships upon a hurry of goeing, and that necessarily requires most to be att home to settle theire affaires with them & therefore wee desire to know whether yo^r Excellency would haue us to proceed, to all these weighty matters mentioned to us, or whether wee shall discharge, the most necessary & Emergent of them now, and referr the Rest to amore convenient tyme.

Wee cannott tell what to advise as to the Indians, till the former Treaties with them, are laid before us, and therefore pray to haue coppies of them

And as to what concerns your Ex^{cy} Wee hope the bill here-
 P. 14 with sent (to wait upon the former) will Give yo^r Ex^{ncy} full Assurance that Wee have as great value for you as for any of y^r predecessors which we have pass'd with one voice desiring y^r Ex^{cy} to accept it as a token of our hearty Respects.

S^r

Wee are fully satisfied in the assurance you are pleased to giue us of your just and generous Administraon, and alsoe of yo^r resolution to protect us, in our lawfull rights and immunities and hope you shall alwayes and us an honest and sincere people, and wee pray God bless your Ex^{cy}, and all

yours among us, and make your Government long and P. R. O.
happy over us.

Aprill 27th 1704.

Sign'd p Ord^r of the House of Delegates,
W Taylard Clk house of Dell.

The two Bills this Day brought up & read at the board
were again Sett Down to the house with the following Answer p. 15
to the house

By the hon^{ble} Thomas Tench & Thomas Brooke Esq^s viz^t

Gentⁿ

Yours by Coll Harris and other members of your house I
haue rec^d with a due sense of your ready and hearty recogni-
tion of her most Sacred Majesty, and respect to my selfe, for
w^{ch} I returne you my hearty thanks, and will always endeavour
to preserue among you, the good Esteem you conceiue of me,
as to what you pray, that you should take further tyme to
consider about building the house by her Majestyes Royall
instructions required for her Governour here, this being, for
the reasons you mention a very busy Tyme, I shall be very
well satisfied to referr the same till I shall see you together
again, being willing to gratifie you in shortning the present
Sessions

The severall indian Treatyes shall be layed before you as
you desired, and tho' herewith are sent you such of her
Majesties Royall instruction, which I am directed to advise
and consult you in, yett her Majesties hon^{ble} Councill wth
my selfe judgeing that the reviseing all the Laws of this
Province, will be a worke of tyme, which this present junc-
ture (the shipping goeing away) will not admitt of without
great inconveniency, doe propose that a certaine Comitte
or a certaine number of persons best qualified for that pur-
pose, may be appointed by this Assembly to review the said
Laws, and putt them in a ready method by them to be
reported to the next Sessions of Assembly pursuant to her
Majestyes Royall instructions, which will be of great Ease
to the generall Assembly, and save charges, soe th^t att present
it is expected you should answer the other matters layed
before you, wherein I cannot doubt of your ready advice and
assistance, Therefore desire that what can conveniently be
done this Sessions, and is most Essentiall may be Effectuated,
and that you'll giue such proper answers in writeing to her
Majestyes Royall commands, as you shall judge best fitting
soe worthy a body, now mett together at this present generall
assembly, and those you represent, in promoteing whose

P. R. O. Interests, and happiness my endeavours shall never be
wanteing Jn^o Seymour.

p. 16 Then came M^r John White & M^r John Smith with the fol-
lowing Resolve from the house of Delegates viz^t

By the house of Delegates
Aprill 27th 1704

Colonell Blakiston's Letter to the Gen^l Assembly of this Province touching his Agency of the Affaires of this Province in England being read—It was putt to the Vote whether he should be any longer continued to Act as an Agent for this Province And it was Resolved in the Affirmative Wherefore this house do resolve to continue him their Agent and Desire the hon^{ble} Councils concurrence with us.

Sign'd p Ord^r

W Taylard Clk house Del.

Assented to by the Council.

Came M^r Philip Lynes with the bill for sale of Nicholas Milburns Lands for the paym^t of his Debts which was read the first time

M^r Thomas Frisby from the house delivers his Message That it is Represented to the Assembly that the Inhabitants of this Port & Towne do overburthen the Pasture with their own private Stocks to the p^rjudice of the publiq & that it is not taken Notice of by the Town Co^t Wee therefore pray that yo^r Ex^{cy} will order the Iustices of the Towne Court to give an Acco^t to this house how the said Injury crept in & why it is tollerated And that your Ex^{cy} will please to give Direccōns that the same may be better observed for the future & that the publiq may not any longer suffer thereby.

Sign'd p Ord^r

W Taylard Clk

p. 17 To which was returned by Col Holland.

By his Ex^{cy} the Gov^r & Council in Assembly
Aprill 27th 1704

Gentⁿ

Your Representation Relating to the Publiq pasture being over burthen'd & Desiring that Direccōn may be given to the Town Iustices has been read at this Board & necessary Directions will be given therein.

Sign'd p Order W Bladen Cl Council.

M^r Rob^t Bradly & M^r Frisby from the house to Desire his Ex^{cy} if he has any Acts of parliament of the last Year of his late Ma^{ty}s Raigne relating to the Succession of the crowne that he would be pleas'd to lett their house have them To which his Ex^{cy} saith he has not any of those Acts of Parliament. P. R. O.

The Councill adjourn'd untill Eight of the clock to morrow morning.

Fryday April 28th 1704

The Councill in Assembly again Sate

Present as Yesterday.

L^t Col^t Smallwood & M^r Iohn Smith present Col^t Iacob Lookerman M^r Hugh Eccleston L^t Col^t Smith & M^r Richard Tilghman Members of the house of Delegates Who took & subscribed the Oathes & Test required &c.

Came M^r Iohn Salter & M^r Iohn Smith who present from the house to his Ex^{cy} the Gov^r in Councill in Assembly

Aprill 28th 1704

By the house of Delegates.

S^r

Wee haue duely considered yo^r Excys Message to us by the honble Thomas Tench and Thomas Brooke Esq^{rs} & wee are glad to see yo^r Excy soe candidly accept our respects w^{ch} proceeded from a true Esteem, wee haue of yo^r worth and honour

Wee haue considered the Indian Treatyes laid before us and haue nothing to advise to be added, but th^t the same may be renewed under the p^rsent Articles.

Wee haue carefully perused and Examined the Severall Royall instructions of her Majestye to his Excy & sent us, and in obedience to what his Excy requires of us to giue answers in writeing to them, wee haue Endeavoured with our utmost care to giue such as may become us, and be acceptable, & since yo^r Excy and Councill haue concurred with us in Shortning this Sessions, as much as may be, and Entring on nothing, but matters of p^rsent Emergency, and that many of these articles are of great weight and moment, wee hope itt will not be taken, as Negligence in us, if wee desire severall of those matters be referred to the consideraon of the next generall Assembly, when yo^r Excy shall please to convene them and wee the rather induced to this by reason of the thinn appearance of the members of our house, neare a third part being wanteing.

P. R. O. Therefore 1st as to appointing a Committee to inspect and revise the Laws in the Vacaon of Assemblys wee haue formerly made tryall of that method, but itt never answered Expectaon, and itt may be better, and more pfectly Done in assembly tyme, where all Difficultyes may Readily be solved as they arrise, as formerly it has been done, wee desire that Article, together with the 4th, 5, 6, 7, 8, 11, 12, 15, 16, 17, 18 & 19th articles may be referred to the consideraon of the next grall Assembly, to which purpose wee shall order our Clerke to draw off all those matters, and others upon this occasion, wee are forced to referr as aforesaid, and lay them before the next assembly, And as to the abjuraōn, & other oaths required to be Enacted, Now wee conceiue that since the Laws of England, in that point are obliedging to us, as well as others, that may be referred alsoe

As to the Style of our Laws in the second Article wee shall conforme our selues as required.

Wee will alsoe obserue the third article in what laws wee shall frame this sessions, the 9th and 10th articles are particularly to yo^r Excy, and wee shall not offer any thing to the violaōn of them.

The 13th and 14th are directed to yo^r Excy & the honble Councill, & if wee knew what Questions your Excy would ask us thereon then wee would humbly offer our thoughts

p. 19 Sign'd p Ord^r of the house of Deft
W Taylard clk house Det

To which being read at the Board the following Reply was sent by M^r Smith & M^r Iames Sanders

By his Ex^{cy} the Governour & Councill
in Assembly.

Gent

Your message by m^r Salter and m^r Smith has been read and his Excy and her Ma^{tys} councill declare th^t they hold itt absolutely necessary, that her Majestyes Royall instructions relating to the Determining of Association, and Enacting the oath of abjuraon, to be taken by all in office here should be Enacted into a Law this present Session of assembly & not further Delayed, and among many other great and weighty reasons, therefore (besides our duty in complying with her Majestyes most lawfull and reasonable comānds doe urge that in the said Instructions of the Vestrymen &c. being obliedged to Subscribe the Association, which is now not necessary, and that it would be very absurd to require that subscription, since his late Majestyes decease, therefore this board doe againe re-

commend to you to provide for the same by an act this Session, w^{ch} will be to the better Satisfaction of her Majestyes Subjects here.

Sign'd p Ord^r W Bladen Cl Concil. p. 20

Mr Tilghman & Mr Bradley bring from the house the proposd bill for Recognizing her present Ma^{ty} the Queen

And the bill for settling a Revenue on her Ma^{ty}s p^rsent Governour also a bill for Regulating of Ordinarys with S^r Thomas Laurence her Ma^{ty}s Secretarys Representation which were all read at the Board & then

The Councill Adjourned till two of the clock in the Afternoon.

Post Meridiem

The Councill Sate P^rsent as before

It being Debated at the Board in what stile the laws of this province should be enacted pursuant to her Ma^{ty}s Royall Instruccōn It was Resolved that the Stile of Enacting the Laws of this province be in these words viz^t By the Queens most Excellent Maj^{ty} by & with the Advice & Consent of her Ma^{ty}s Governo^r Councill & Assembly of this Province And the Authority of the Same

Ordered the foregoing Resolve be drawn out & sent to the house together with the bills this day Read & the Amendments to them proposed Which was done & Sent to the house by Col Hamond & M^r James Sanders M^r Tench & M^r Brooke.

M^r Bradley & M^r Young from the house to desire a conference with Some of the Councill about the bill for regulating Ordinarys either to Night or to Morrow morning Ordered that M^r Rob^t Smith & Col W^m Holland go to morrow Morning with the Members appointed by the house upon that conference. p. 21

His Ex^{cy} was pleas'd to lay before the board the hon^{ble} W^m Blaythwaite Esq his patent for Auditor Gen^l of her Ma^{ty}s plantations &^c in America And Reco^mended the Consideration thereof to the Board that proper Measures might be taken to settle some suitable Reward on the said Pattentee for his charge & Care in Auditing & Stating their publiq Acco^{ts} both of moneys & Tob^o arising within this province now under her Ma^{ty}s more imēdiate Governm^t tho' at the time of Granting Said M^r Biathwaites patent in the Lord Proprietarys hands And thereupon It was ordered that the Following Message Should be sent to the house

P. R. O.

By the Governo^r & Council in Assembly
May [April] the 28th 1704.

Gent

The hoⁿble William Blathwaite Esquire his Pattent for being Auditor General of her Majestyes American Planta^ons & collonyes being laid before this Board, and herewith sent you, whereby you may perceiue, what reasonable allowance for that service his Majesty has thought fitt to make him, out of and from the Revenue of each respective Planta^on and Collony then under his Royall Governement, the Governement of this Province being then in Proprietors hands, was the reason that noe such provision was made for him here, Butt itt being conceived tht the s^d Auditor generall may be of great Friendship and service to this Province The accounts of whatever is raised or leavyed here, whither money or Tob, being to be layed and passed before the Lord high Threasurer of England, Wee hope that you will thinke fitteing to provide some suitable gratuity by a reasonable yearly allowance to be made unto him for such his service, as you will see other plantations and Collonyes, are directed by his Pattent, the Publick accounts of this Province being now under his care, by the Governm^t being taken into his Ma^{tys} more immediate princely care & Royall Jurisdiction

p. 22

Sign'd p Ord^r
W Bladen Cl^t Concil.

Sent to the house by M^r Sanders & M^r Coursey

A Bill for selling Cap^t Henry Smiths Land for paym^t of Debts was Read & sent to the house by M^r Sanders & M^r Coursey.

The Councill adjourns untill Eight of the Clock to morrow Morning.

Saturday April 29th 1704.

The Councill Sate present as Yesterday

Saving M^r Smith & Col^l Holland who were Order'd last Night on the Conference.

Came S^r Thomas Laurence & pray'd to be heard to the Bill for regulating Ordinarys before the same be passd & is Directed to apply to the Gentⁿ appointed upon the Conference

Came M^r W^m Coursey appointed by this Board by her most Sacred Ma^{tys} Royall Instrucc^ons & took & Subscribd the Oaths & Test Required &c.

Came M^r Smith & L^t Col^l Holland from the conference to Report that the conferree's from the house had agreed to the Amendments in the Bill proposed for Regulating Ordinarys.

Came S^r Thomas Laurence Bar^t & acquainted his Ex^{cy} that P. R. O. he had been at the conference but that they had before Gone over the Subject Matter of the conference therefore Desir'd leave to bring some Records to Shew the Secretarys Right to those Lycenses before the bill passes, Which is given him.

M^r Salter from the house to acquaint his Excellency that the P. 23 house Desire a Conference about the Stile of the Laws to which his Ex^{cy} is pleas'd to Assent & Ordered that M^r Tench M^r Brooke & M^r Smith Ioyn imediately with the Members appointed by the house upon that Subject.

M^r John Freemans Petition read & recomēded to the house of Delegates for satisfaction to be made for going to philadelphia.

Sent by Col^t Hamond.

The R^t Hon^{ble} the Lords of Trade & plantations Letter of the twenty first of March 1703 with the Copy of his late Ma^{ty}s Order for the Quota from this Province to be Supply'd to New York read at the Board and Ordered to be laid before the house of Delegates for their Resolution thereon.

Read also their said Lordsp^s Letter of the twelfth of April 1703 with the Copys of two Acts of Assembly of this Province to witt one for Ascertainning the Bounds of Land & one other for limittning the time of Obligations within this Province together with the Lord Baltemores Observations upon the said two Laws their Lordsp^s requiring due Reguard to be had to the Lord Baltemores Rights.

The above Lres Order & Laws with the Remarqs thereon sent to the house by Colonell Lloyd & Col^t Holland

Maj^r Greenberry and M^r Lynes bring from the house the bill for the three pence p^p hhd for Defraying the country charge & the houses Answer to the above Letters.

By the house of Delegates Aprill 29th 1704

The message to his Excy by the hoⁿble James Saunders & W^m Coursey Esq^{rs} being read, as likewise the R^t hoⁿble W^m Blathwaite Esq^r his Comⁿ of Auditor grall, It is conceiued by the house that the s^d office does noe wayes concerne the publick of this province, & doubt not but when his Majesty granted the said Comⁿ he annexed a Suitable Sallary to itt, and that the Publick is not to support such office, & as to her Majestyes Lre touching the Quota of New Yorke, this Province has already complied, with her late Majestyes commands [sic] to the uttmst of theire ability by raiseing of three hundred pounds Ster, when the other Collonyes should comply

P. R. O. with their Quota's and we are informed by our agent that it is not expected from us till they do

As to the Letter from the R^t honorable the Lords Com^{rs} of trade and planta^{ns} of the 12th of Aprill 1703 touching the L^d Baltem^{rs} objections ag^t the Land Law, and that for Limitting tyme for paym^t of obliga^{ns} being matters of great moment, the p^rsent Exigence of the tyme, and the thinness of the house will not allow off our Examineing of them att this tyme and

Therefore they are referred to the considera^{on} of the next Assembly

Sign'd p Ord^r

W Taylard clk house Del.

p. 24

M^r Lynes brings up the Bill for Regulating Ordinarys and the Bill for Settling a Revenue on her Ma^{ty}s present Governo^r which was read the Second time & thereon is remarq'd to the house That on severall Occasions & Com^{ands} from her Ma^{ty} His present Ex^{cy} the Governo^r may happen to be out of this Province even at such time as the shipping may be ready to clear therefore do not Iudge it proper to curtaile this Offering to his Ex^{ncy} any more than to any of p^rdecessors but that the said three pence be taken for & During his Said Ex^{ncys} Governm^t in & over this Province & that it be given to her Ma^{ty} as allready Exprest for his Ex^{ncys} Support &c^a if She shall be so graciously pleas'd with which Regulation & Amendm^t the bill will pass.

Sent to the house by M^r Coursey
The Councill adjourn'd for an hour.

Post Meridiem

The councill Sate P^rsent as in the Morning

p. 25 M^r Lynes brings from the house a Bill for Recognizing her Ma^{ty}

A Bill to Enable the Executors of Nicholas Milburne to sell his Lands for paym^t of his Debts.

A Bill for the Naturalization of M^r John Ieanert & others & the Bill for the sale of Cap^t Henry Smiths Lands for paym^t of his Debts Which being Engros'd were again read & sent to the house by Col^t Hamond & Col^t Lloyd.

S^r Thomas Laurence acquaints his Ex^{cy} & the Board what he had offer'd to the house of Delegates & the conference appointed on occasion of the Proposed bill for Regulating Ordinarys & Granting their Lycenses &c. in order to assert his right thereto.

L^t Col^o Smith with the following Message from the house

By the house of Delegates.
April 29th 1704.

P. R. O.

Wee herewith send an Acco^t laid before this house by the Widdow Beard Demanding pay for cleansing Arms &c. And Since her Ma^{ty} has been Graciously pleas'd to Direct three pence of the 12^d p hhd to be apply'd to Supply the country with Arms &c. And that preserving them are necessary as purchasing them And that part has been so apply'd Wee humbly referr the said Acco^t & all others of that nature to yo^r Ex^{cy} to cause them to be Examin'd & that you will please to Ord^r the charge thereof to be Defray'd out of the said Revenue
Sign'd p Ord^r

W Taylard Clk house Del

M^r Bradley & M^r peter Dent bring from the house the following Bills viz^t

A Bill for Determining the Association & appointing the Oath of Abjuration to be taken in this Province

A Reviving Bill for Limitation of Officers Fees.

A Reviving Bill for Sumōning Grand & petit Jurys.

A Reviving Bill for Quietting Differences with the Indians

A Reviving Bill for raising a Supply towards Defraying the Countrys charge.

A Reviving Bill for Regulating the Militia.

p. 26

A Reviving Bill for the Impost of 3^d p hhd to the country
And a bill empowering a Comittee to Lay assess & Appor-
cōn the Publiq Levye which were all read the first time & send
to the house by M^r Brooke & Col^l Lloyd.

M^r Philemon Lloyd from the house to acquaint his Ex^{cy} that they again desire a Conference on the Bill for regulating ordinarys with the same Gentⁿ appointed this Morning which is Granted at the same place, & brings also the Report of M^r Young M^r Greenberry & M^r Salter of some Reparacōns to be made to the Stad^t-House which were agreed to by this Board.

M^r Smith & Col^o Hamond return from the Conference & say they had insisted on the Amendm^t proposed to the Bill to which the conferees from the house had not agreed & were gone to make their Report to the house.

The Councill adjourned till 9 a Clock on Munday Morning.

Munday May the 1st 1704

The councill in Assembly Sate P^rsent

His Ex^{cy} the Governour &

Thomas Brooke	}	John Hamond	}	James Sanders &	}	Esq ^{rs}
Robert Smith		Edward Lloyd		W ^m Coursey		

P. R. O. Came Colonel Francis Jenkins & took the Oaths appointed by Act of Parliam^t instead of the Oaths of Allegiance & Supremacy & the Oath appointed by the Act for Succession of the crown & subscribed the same together with the Test & was added to the Board.

M^r Iohn Smith p^rsents Col Willm Whittington & M^r George Muschamp from the house to be Sworne Who had the Oaths Admistred to them & subscribed the Test & Oath appointed by the Act of parliam^t for settling the Succession of the Crowne &c^a

p. 27 Came M^r Thomas Frisby with the Report of the Comittee of Laws to the house of Delegates which was read at the Board & is as follows

By the Comittee of Laws Aprill 29th 1704.

Its humbly reported to the house, That as to the Law for Religion wee find itt necessary th^t a Law be made to repeale th^t clause therein which oblieges the Vestrymen of Every Parish to subscribe the Association

As to the Law for regulateing the Militia with other temporary Laws, which will Expire this Sessions (if not revived) require due tyme for consideraōn, Therefore humbly are of opinion that the consideraōn of those Laws be referred till next assembly and the bills now prepared to reviuē, and continue them till they may be revived

As to the resolute of the house upon M^r Char Pye's petⁿ itt being a matter of consequence, Desire th^t the compliance therewth may be referred to the next Assembly

Sign'd p Ord^r

Richard Dallam Cl Com.

By the house of Delegates
Aprill 29th 1704.

This being read the house Nemine Contradicente concurr therewith & pray the hon^{ble} counccills concurrence.

W Taylard Cl House Dell.

Which being Read the Board are Satisfyed therewith And the hon^{ble} Robert Smith Esq is directed to acquaint the house therewith.

Who returns & Says he has Delivered his Message.

M^{rs} Susanna Beards petition for keeping & cleansing the publiq Arms stated & Dischardged to this Day as well for the

ballance due to her late Husband M^r Richard Beard as herself P. R. O.
 & Ordered that George plater Esq her Ma^{ty}s Rec^r of the Dis-
 trict of puttuxent pay her in full therefore the Sume of
 Sterl.

May 1st 1704.

M^r Mathew Beard proposes to take care of the publiq p. 28
 Arms & Amunition & to keep the Arms in good Ord^r for
 which he is to be allowed twenty pounds per Annum to com-
 ence from this Day. Colonel Hamond promises to Inspect
 his Managem^t & if he does not take care to do his Duty Col
 Hamond may Remove him.

His Ex^{cy} the Governo^r & the Councill Resolve to go & see
 in what Ord^r the publiq Arms are kept.

The Board adjourn'd for two hours.

Post Meridiem

The Councill Sate p^rsent as in the Morning.

Came M^r Tench & L^t Col Holland who were added to the
 Board.

Also was read at the Board the House's Letter to Colonell
 Nathaniel Blakiston their Agent Which was approv'd of & Col
 Holland was sent with the following Message.

By his Ex^{cy} the Gov^r in Councill

Gentⁿ

Your Message by M^r Muschamp & other Members of the
 house I have recd & assure you that when I first heard of the
 Misfortune of such as were under those Bonds I did use my
 uttmost Interest with Col Blakiston [to] serve the country
 therein And what is in my power shall not be wanting that may
 conduce to the ease & Relief of those under that Distress.

Sign'd p Ord^r

W Bladen Cl Cuncil.

M^r Samuel Youngs petition Read praying one p cent more
 comission to be allowd him as he is publiq Treasurer Referr'd
 to the consideration of the house of Delegates.

M^r Bradley & other Members bring up the Bill for Naturali-
 zation & the Reviving Bills (which were read at the Board
 this Morning) Engrossed And they being read & assented to
 by her Ma^{ty}s hon^{ble} Councill were sent to the house by Col.
 Lloyd.

Came Maj^r Greenberry & M^r Young with the following
 Message viz^t

P. R. O.

By the house of Delegates
May the 1st 1704.

Upon consideraōn of the Commodores saileing the first of this moneth, and the assurance that not aboue one third part of the fleett cann Saile with him soe soone, and th^t two frigotts more are dayly Expected, Wee most humbly move yo^r Excy and the hoñble her Majestyes Councill to represent the same on behalte of the Province, and pray the hoñble Captⁿ Evans Commodore of this Fleett to consider the p^rmisses, & take such measures as may be most proper for her Majestyes Service and security of the p^rsent Fleett by staying some Tyme longer till the Fleett may be ready to saile, and the other Frigotts arrive

Sign'd p Ord^r

W Taylard Clk house of Delegates.

p. 30 To which the following Answer was Sent by Col^l Lloyd together with M^r Young's petition.

By his Ex^{cy} the Governo^r & Councill
May the first 1704.

Gentⁿ

Your Message by Major Greenberry about the Comodores Sayling being read His Ex^{cy} assures us that he has used his uttmost Efforts with the Comodore both by speaking and Writing to him but that he had Assured him it was not in his power without Express Ord^{rs} from England for his longer stay.

Sign'd p Ord^r

W Bladen Cl Councill.

The Councill Adjourn'd till Eight of the Clock to Morrow Morning

Tuesday May 2^d 1704.

The Councill Sate present as Yesterday.

And the following Message was Sent to the house viz^t

By his Ex^{cy} the Governour & Councill
May 2^d 1704

The houses answer to the Message of this Board about the honourable William Blathwait Esquires Pattent of Auditor generall was read and considered by this board, & wee wth th^t your house would further consider of the s^d message, &

shew the vallue wee have for soe worthy a friend, and because P. R. O.
there is but slender appearance of yo^r house at this tyme it is
proposed that this Matter be recomended to the consideration
of the next Sessions of Assembly

Sign'd p ord^r

W Bladen Cl Concil.

Sent by the hon^{ble} Thomas }
Tench & Thom Brooke } Esq^{rs}

M^r philemon Lloyd from the house with their Thanks to p. 31
his Ex^{cy} for his kind Endeavours to relieve those unfortunate
persons under Navigation Bonds.

L^t Col^o Lookerman brings up from the house a Bill Declar-
ing how the forty pounds of Tob^o p poll in the parishes where
there is no Incumbent shall be Disposed of which was Read
the first time & Sent to the house by M^r Coursey.

A Supplementary Bill to the Act for Sanctifying & Keep-
ing holy the Lords Day comonly called Sunday w^{ch} said Bill
being Read Resolved there is no need thereof for that the
Law has sufficiently provided.

M^r Tilghman from the house to Desire a further Confer-
ence with some of the Members of this Board about the
Bill proposed for Regulating Ordinarys & Granting the
Licenses

M^r Tench M^r Brook & Col^l Holland are ordered to Meet
the Conferrees from the house at M^r John Freemans with all
convenient Speed to enter upon that Conference & that they
have due Reguard to her Ma^{ty}s Interest.

M^r Lynes with the Letter from the house to Col^l Blakiston
Desiring it may be sign'd by the Councill—which was accord-
ingly So done

Came M^r Bradley with the Journall of the Comittee of
Acco^{ts} which was Read & assented to by the Councill

M^r Bradly brings up the Engross'd bill declaring how the
40^{li} of Tob^o p poll in such parishes where there is no Incum-
bent shall be Disposed of & An Engrossed Bill for the Sale
of part of the Lands of Cap^t Henry Smith late of Somerset
County for paym^t of his Just Debts

Which Said bills were read & assented to by this house &
then sent to the house by M^r Coursey

The Gentⁿ of the Councill who were sent upon the Confer-
ence about the bill for regulating Ordinarys make their Report
as follows viz^t That the profitts Arising from Ordinary Keep-
ers Lycenses are not any part of the Revenue of the Crowne p. 32
of England but may be apply'd to the uses mencōned in the
bill for Regulating Ordinarys &c. if the Governo^r & Councill
think fitt.

P. R. O. Of this Report his Ex^{cy} desires the Opinion of the Gent of the Councill & first of M^r Coursey Who says he conceives the Act of parliam^t of 22^d & 23^d of King Charles the Second do not extend to this province because that the Taxes & Subsidys which are raised in England are not levied in Ireland altho' a plantacōn Depending upon England untill they are assessed by a particular Law of that Kingdom And that wee have severall Laws of this province of the same nature which were never denied in England.

M^r Sanders is of opinion that those Lycenses having been settled formerly by severall Acts of Assembly in this province by the Royall Authority & Consent & not otherwise the profit Arising thereon ought not to be applyed to any use but what her Ma^{ty} shall be Graciously pleasd to assent to being Inherent in her Ma^{ty} & of her Royall prerogative to lycense or inhibitt.

Col^o Lloyd is of opinion the Ordinary Lycenses may be Disposed of by the Gov^r Councill & Assembly.

Col^t Francis Ienkins says that his opinion is it may lye in the Gift of his Ex^{cy} [and] her Ma^{ty}s Councill & that it is not his Opinion that the laws of England do not comprehend us in that point in these remote parts

Col^o Hamond is of opinion that the Ordinary Lycenses are in the Queen & that wee ought to Conforme our selves to the laws of England

M^r Smith is of the same Opinion

Of which his Ex^{cy} is pleased to Declare his Approbation & Resolved that it be proposed to the house to pass the Act for Regulating Ordinarys in the very words now proposd for & during the term of Eighteen Months from the end of this Sessions or to the end of the next Sessions of Assembly which shall first happen that the house may have no Apprehension of those Lycenses being otherwise Disposed of which was Communicated to them by Col^t Lloyd

The Councill Adjourn'd till 8 a Clock to morrow Morning

Wednesday May the 3d 1704.

The Councill in Assembly Sate Pr^sent as Yesterday save M^r Rooke [sic: Brooke?] & Col^o Jenkins who had leave last night to go home on urgent Occasions.

M^r Tilghman brings from the House the following Message.

By the house of Delegates

May 3^d 1704

The house Desire the hon^{ble} her Ma^{ty}s Councill to Explayne their Message of Yesterdays Date by the hon^{ble} Col^t Edward

Lloyd in this particular Whether your Honours intend to have P. R. O.
the Words (if her Ma^{ty} shall think fitt) included or left out of
the bill

Signed p ord^r

W Taylard Clk house of Dell

To which it was answered that those Words (if her Ma^{ty}s
shall think fitt) were intended to be included.

M^r Salter & M^r Bradley from the house to acquaint his Ex^{cy}
that they have nothing more at p^rsent before y^m

His Ex^{cy} is Advis'd by her Ma^{ty}s councill to Dissolve this
p^rsent Gen^l Assembly & to call a New one some time in Sep-
tember next

M^r Tench & M^r Smith Sent to tell M^r Speaker & the Mem-
bers of the house that his Ex^{cy} Expects that they should
imēdiately attend him in councill.

Whereupon M^r Speaker & the house & M^r Speaker [sic]
presented to his Ex^{cy} the Gov^r the Acts of this Sessions viz^t

See Journal
of Assembly
(Vol. 18. p. 47.)
But "the act
for regulateing
Militia" does
not appear
here.

An Act of Recognition [&c.]

* * * * *

To all which his Ex^{cy} was pleas'd to Assent en-
dorsing them Severally as follows viz^t

Maryland May the 3^d 1704.

On behalf of her most Sacred Ma^{ty} Anne by the Grace of
God of England Scotland France & Ireland & the Dominions
thereto belonging Queen Defender of the Faith &c. I will
this to be a Law.

And then subscribed them & Seald them with the Great
Seale of the province in p^rsence of the Assembly After w^{ch} his
Ex^{cy} was pleasd to say

[Gen]t

I Thanke you on her Majestyes behalfe for your hearty
Endeav^{rs} this present Sessions, and assure you I have not the
least reason to be Dissatisfyed with yo^r proceedings, tho' I
could have wished this Sessions might haue continued soe
long, as to haue answered her Majestyes Royall instructions
But for that the Trade and Shippeing requires you att your
respectiue habitaōns, I shall be att p^rsent contented with the
Expectaōn of seeing you againe some few moneths hence, and
now being advised by her Majestyes hoñble Councill that itt
will be to the Satisfaction of the inhabitants to haue anew
Election this p^rsent Grall Assembly, haueing continued for

P. R. O. about three yeares, I doe Dissolve the same, and you are accordingly Dissolved

So ended this Generall Assembly

W Bladen Cl Concil

A True Copy Examind by the originall Brought into the
Secretarys Office at Annapolis

Thomas Laurence

Maryland

Minutes of council in Assembly from the 26 April 1704, to
the 3^d May following.

referred to in Col: Seym^r
Lre: of 23 May last.

Recd 9 August }
Read } 1704.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND.

At a Session held at Annapolis, April 26 to May 3, 1704.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN SEYMOUR,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Board of Trade, Maryland.
Vol. 18.

P. R. O.

Maryland Ss:

P. 1

Att a Sessions of Assembly begun and held att the Towne & Port of Annapolis in Annarrundell county the 26th day of Apⁿ in the third yeare of the Reigne of our Lady Anne by the Grace of God of England, Scotland, France and Ireland Queen Defender of the Faith &c^a Annoq Domini 1704

Whereas the generall Assembly of this Province upon the Twelfth day of Aprill instant was by his Excellency John Seymour Esquire Captaine genⁿ and Governour in chief of this Province prorogued until the Twenty fifth of the same moneth, att which day he willed and required, that they should convene themselves att the Towne and Port af^d, then and there to doe, and consent to such things as by the favour of God should happen to be ordained and Enacted for the good and welfare of this Province; But before the said generall Assembly did convene themselves, her Majesty sent her writt of Prorogation unto them directed which is as followeth viz^t

Anne by the Grace of God of England, Scotland, France and Ireland Queen Defender of the faith &c. To our Counsellors, the Delegates, and representatiues of the Severall County's of our Province of Maryland Greeting.

Whereas upon the Twelfth day of Aprill instant wee thought fitt to prorogue you, untill the Twenty fifth of the same moneth, att which tyme wee commanded the Severall Sheriffs of the Severall Countyes of our said Province to giue notice to all and every of you, th^t you should convene yourselves together att the Port of Annapolis upon the said Day last mentioned, then and there to doe and consent to such things as should by the favour of God happen to be done and Enacted, for the good and welfare of this Province, Now Know yee that for severall weighty reasons, us thereunto moveing, wee have thought fitt, and doe by these p^rsents further Prorogue you untill the twenty sixth day of Aprill aforesaid, att which tyme, and att the place af^d wee will and require you, that you convene your selues to the end aforesaid, Wittness our Selfe in our high Court of Chancery att our Port of Annapolis the 25th day of Aprill in the third yeare of our Reigne &c. annoque Domini 1704

In^o Seymour.

P. R. O. In obedience thereunto upon Wednesday the 26th of April
 P. 2 1704, appeared in the house the following members viz^t

[for] St. { Mr Tho Beall	Mr Thomas Hamond for Baltim ^r County.
Ma. Co. { Mr Wm Watts	
	Mr Philemon Loyd for Talbott County.
Kent Co { Mr John Salter	
{ Mr John Whittington	Mr John Lecount for Dorch ^r County.
AA. Co. { Mr Samuel Young	Mr Wm Harris
{ Mr John Dorsey	Mr Mats Vanderheyden
{ Mr Charles Greenberry	Mr Tho : Frisby
	} for Cecill County.
Calvt { Mr William Parker	Mr John Bozman
Co. { Mr John Smith	Mr Peter Dent
	} for Somerset County.
Char. { Mr Wm Dent	Mr Thomas Greenfield
Co. { Mr Phil. Lynes	Mr John Wight
{ Mr James Smallwood	Mr Robert Bradley
	} for
	[sic : Prince George's County?]

Wanteing Coll Henry Low, George Muschamp Esq^{re} Ken : Cheseldyn John Baker, M^r Laurence Draper, M^r Benjamin Hall, Coll Tho^s Smithson, M^r Richard Tilghman, Col S^t Leidger Codd, M^r Tho^s Smith, M^r John Hinson, M^r Walter Smith, M^r Elisha Hall, M^r Thomas Ennalls, M^r Jacob Lookerman, M^r Hugh Eccleston, Coll William Whittington, M^r John Francklyn, M^r William Hutchinson.

The house being mett were called over, and finding Coll Thomas Smithson Speaker of this Court absent, and this house being informed, that the said Collonell Smithson is indisposed and not capable of attending this house ; thereupon ordered y^t M^r William Dent, Philemon Loyd, and Major Charles Greenberry, attend his Excellency and Council to acquaint them the house is mett according to Prorogation, But M^r Speaker attended not.

They Returne and Say that his Excellency was pleased to order them to acquaint the house that they may proceed to Election of another Speaker in the Roome of Coll Smithson soe that the house may proceed to business.

The Members now proceed to Election of a Speaker, and by generall Vote Nemine contradicente, the house made choice of Major W^m Dent to be theire Speaker, and placed him in the chaire accordingly

Ordered that M^r Philemon Loyd and Maj^r Charles Greenberry attend his Excellency to acquaint him that the house haue made choice of theire Speaker, and that they with the house are ready to attend his Excellency, when he please to comand them.

They returne and Say they Delivered theire Message, and likewise acquainted M^r Speaker that his Excellency requires theire immediate attendance att the Council.

P. 3 Whereupon M^r Speaker and the Rest of the members of this house went up to his Excellency and Council where they

p^resented their Speaker to the Governour, who made a Small P. R. O.
Speech for Excuse, Disabling himselfe by many inqualifications, humbly desireing his Excellency to nominate some more able & sufficient member of the same house, to which his Excellency replied th^t he did very well allow of their choice, for he returned his Ex^{cy} his humble thanks, for thinking him worthy of Executeing a place of soe great charge and Trust promiseing to use his utmost care and Diligence therein, and soe offered unto him, in the name and on the behalfe of the said house the accustomed Priviledges, and Freedome, and that they may haue access to his person upon urgent occasions and free Liberty of Speech, which being granted M^r Speaker, and the Severall Members aforesaid, and then present in the Councill Chamber, tooke the severall othes of Allegiance, and abhorrency, and the oath of abjuration, which they severally signed, and also the Test, and William Tayllard the Clerke of this House haveing taken the severall oaths aforesaid

His Ex^{cy} the Governour was pleased to say to them as followeth vizt.

M^r Speaker, and you gent of the house of Delegates

Since her Majesty has been graciously pleased to intrust me, with this Charge, I think itt proper to acquaint you I haue long serued the Crowne, with a dutyfull fidelity and haue alwayes been a True lover of my Country, under its noble constitution in Church and State.

To a truely honest man of what perswasion so ever my Ears and Bosom too shall be ever open, for good Moralls will alwayes haue a just Esteem in my friendship, and a well grounded sincerity shall never be denyed a rightfull Clayme to my Protection.

Gentⁿ

As our gracious Mistress the Queen allowes a free Toleraon to all her Protestant Subjects, within this Province, you shall have my concurrent assistance in Every thing that has vertue and religion at bottom, not Doubting of yours to punish all sort of Prophaneness, Immorality and faction.

You shall haue a Scheme gent of those Laws her Ma^{ty} would haue amended, and of others to be Enacted, worthy your consideraōn, there are none proposed but what are thought highly necessary, and most of them for yo^r Ease and advantage, What concernes my selfe I hope you'll soe farr concurr with her Majestyes good intentions towards me, to thinke I may haue as faire a pretence to your fav^r as my Immediate predecessor.

P. R. O. For I solemnely assure you Dureing my Administration here, I'll doe my utmost to advance the Interest and Reputation of this Collony, and protect Every inhabitant wthin itt in his lawfull rights, and Immunities. I hope noe gent of this
 p. 4 Worthy assembly will think me unreasonable craving to putt you in mind her Majesty is willing to haue some place built, and sett apart for her Governour here, w^{ch} will remaine a lasting remarke of your Respectfull regard to the Dignity of her Sacred Majestyes comⁿ, as likewise an ornament to your country, and a Satisfaction to those which shall succeed me.

For you cannott think the Place where I am att p'sent a healthy situation, or a place fitt for a gentⁿ that bears a Publick Character.

I must Putt you in mind gentⁿ her Majesty would haue her Militia here soe regulated, and Disciplined, that they may be of use to the Country on any Emergency.

I likewise recommend to yo^r consideraōn the renewing of our Treatyes with the Indians, that such of them as are usefull, and honest to us, may be encouraged, and hope you will think and advise me the Properest Methods of doeing it Effectually.

Gen^t

Since her Majesty to her immortall Glory makes itt her sole business to Establish the Grandeur, and happiness of all her Dominions, lett us with one heart and one voice pray God almighty to bless and Prosper this our gracious good Queen Anne with long life, and a happy Reigne over us, and lett our Cheereful unanimous resolutions Demonstrate how sincerely wee are her Majestyes most Dutyfull and Loyal Subjects.

I desire therefore you will all heartly address yo^selves to those great and good ends, for which wee are now mett and when you giue me notice your house is Settled, I will take care to communicate to you such farther of her Majestyes Royall comānds, which I am Directed to lay before you, wherein I will not doubt of your ready advice and assistance.

Ordered that her Majestyes Letter to his Ex^{cy} Joⁿ Seymour Esquire Governour &c^a and Coll Blackistens Lre to the Councill be read w^{ch} followeth vizt.

Anne R:

Trusty and Well beloved wee greet you well, whereas srall inconveniencies haue arisen to our Governement in the plantations by Gifts and presents made to our Governour, by the Severall Assembly, Wee haue thought fitt hereby to Signifie our Express will and pleasure that neither you our Governour, Commander in Chiefe, or president of the Councill of our Province

of Maryland for the Tyme being, doe giue your or their con- P. R. O.
sent to the passing any law or act for any Gift or present to
be made to you or them by the Assembly, and that neither
you or they doe receiue any Gift or present from the Assem-
bly or others on any account, or in any manner whatsoever,
upon Paine of our highest displeasure, and of being recalled P. 5
from th^t our Governement Except onely that whereas there is
noe house appointed or sett apart By us, for our said
Govern^r and the Assembly of our said Province haueing upon
the arrivall of Col^t Blakiston our late Governour there past an
act for Raiseing a further Renew of three pence p Hogs-
head, as an additionall allowance to him for his present Main-
tenance, dureing his Governement over & aboue his ordinary
allowance out of the Duty of two shillings p hhd upon To-
bacco Exported, Wee are pleased to permitt the Assembly to
repass the like act, for your better Maintenance, as alsoe to
assigne you a house, or Rent for the same, provided the said
Act be passed, and house or Rent assigned for an unlimited
Tyme, or dureing your continuance in that Governement

And wee doe further direct and require that this Decla-
raon of our Royall will and pleasure be communicated to the
Assembly att their first meeting after the Receipt hereof, and
Entred in the Registers of our Councill and assembly that all
persons whome itt may concerne may governe themselues ac-
cordingly, Soe wee bidd you farewell. Given att our Court
att St. James's the 20th day of Aprill 1703 in the Second yeare
of our Reigne.

By her Ma^{ties} Command
Nottingham.

To our trusty and well beloved Col^t
John Seymour our Captⁿ Generall
and Govern^r in chiefe in and over
our Province and Territory of Maryland in America, & to our
Councill of our said Province, and to our Chiefe Gov^r or Gov-
ernour and Councill of our said Province for the tyme being
Maryland

'The Governours Speech being read in this house, they pro-
ceed to debate the same.

1st As to the Paragraph relateing to religion and Morality

Resolved that the Committee to be appointed to draw up an
Answer to his Excellency's Speech consult the laws that relate
thereto, and Report to the house what Amendments ought to
be made.

2^{dly} as to the Second part of the Same Paragraph relating
to an allowance to be made to his Excellency the Governour
Which is referred to further consideraōn.

P. R. O. 3^{dly} as to that Paragraph that relates to building a house for the Residence of her Majestyes Governour is likewise referred to further consideraōns

Which consideraōns are referred to be resolved upon tomorrow morneing

p. 6 And as to the Paragraph relateing to the Militia

Resolved the consideration thereof be referred to the committee of Laws, whoe are required to report to the house whether there be occasion for the amendment of the present act for regulating the Militia.

And as to that Paragraph relateing to the Indians This House resolves His Excellency be desired to lay before them the last Treaty made with the Indians, by which this house may further proceed thereupon.

And Resolved that a Bill of Recognition to her Sacred Majesty be prepared and brought into the house.

And it's Resolved in the house that they meett att eight of the Clock in the morneing, and sitt till Twelue, and from two to sitt till six in the afternoone.

M^r Elisha Hall a member for Calvert County appeared and declared that his conscience could not admitt him to take the oaths, and soe withdrew to consider of takeing the oaths &c

Ordered that M^r Speaker and M^r Philemon Loyd prepare an answer to his Excellency's Speech, and bring itt into the house tomorrow morneing.

The house adjourned till tomorrow morneing Eight of the Clock

Thursday 27th Aprill 1704.

The house again mett, being called over were present as yesterday

Ordered that the gent Members of this house that are in Towne be sent for vizt. Major Charles Greenberry and M^r Peter Dent. Appeared

Ordered Co^{ll} Smith, Co^{ll} Hynson and M^r Tilghman giue theire Imediate attendance

The house proceeds to Debate the Severall Paragraphs in his Excellency's Speech

1st The allowance to his Excellency the Govern^r being in debate its resolved, nemine contradicente that the act for three pence p hhd be confirmed and granted to his Excellency John Seymour Esquire our present Governour dureing the Tyme of his present Governement and noe longer

M^r Speaker and M^r Loyd presents to the house an answ^r to his Excellencyes Speech, which was here read, and ordered to be entred as followes

May itt please your Exc^y

P. R. O.

S^r

Wee haue read and deliberately considered of what your Excellency was pleased to say to us att the opening of this sessions, and wee are well Satisfied, th^t you haue long and faithfully serued the Crowne, like a true English gent, & th^t giues us the full Assurance th^t you will continue to doe soe, in being a good and Just Governour to us, and th^t Every man of honesty & good moralls will find itt

Wee haue taken care to haue the Laws touching Religion ^{p. 7} and for discouraging immorality and Prophaness Examined, and as soone as itt can be considered, wee'll humbly offer our thoughts thereon, And the same Methods wee shall obserue about the Militia.

Wee shall be ready to consider those Laws her Sacred Majesty would haue amended or enacted, whereof your Excellency is pleased to say Wee shall haue a Scheme, Wee'll propose & advise to the best of our understanding, being assured that our princely Queen has noething more firmly in her princely Thoughts than the Happiness of her Kingdomes and Dominions, and therefore with Cheerfull and Glad harts, wee haue by the bill herewith transmitted recognized her Majesty our most Gracious Soveraigne, prayeing to God long to continue and prosper her Raigne, over us, and as to what concerns yo^r Excellency wee hope, the bill herewith sent to waite upon the former will giue yo^r Ex^{cy} full assurance that wee haue as great a vallue for you, as for any of yo^r predecessors, which wee haue passed with one voice, and Desire yo^r Excellency to accept, as a token of our hearty Thanks.

As to the building a house for her Majestyes Governour, wee shall direct measures to bee taken for proceeding therein and must pray time to consider of itt, that itt may be soe ordered, as to answer the End its done for.

And here wee pray leaue to acquaint your Ex^{cy} that the Commodores resolution of soe suddaine a departure putts ships upon a hurry of goeing, and that necessarily requires most to be att home to settle theire affaires with them & therefore wee desire to know whether yo^r Excellency would haue us to proceed, to all these weighty matters mentioned to us, or whether wee shall discharge, the most necessary & Emergent of them now, and referr the Rest to amore convenient tyme.

Wee cannott tell what to advise as to the Indians, till the former Treaties with them, are laid before us, and therefore pray to haue copyes of them

P. R. O. S^r

Wee are fully satisfied in the assurance you are pleased to giue us of your just and generous Administraon, and alsoe of yo^r resolution to protect us, in our lawfull rights and immunities and hope you shall alwayes find us an honest and sincere people, and wee pray God bless your Ex^{cy}, and all yours among us, and make your Governement long and happy over us.

Signed p order of the house of Delegates p [sic.]
Aprill the 27th 1704

Which being read and approved of, its ordered the same be signed and sent up to his Excellency.

Ordered th^t the late Governour Blakistons letter be read in the house, and here Entred as followes

p. 8

July the 30th 1703

Gent

I haue the Vanity to belieue itt will bee needless for me to tell you how great a regard I haue for the hon^{ble} Councill, and the generall Assembly of the Province of Maryland, and the inhabitants thereof, the Proofs I haue rec^d of theire respects are many, and I hope since I came from thence you haue not just reason to say you haue made any discovery to the contrary but that all my actions were hon^{ble}, tho' perhaps some Malicious persons may have taken some paines to defame me, but I may justly defy the most ill natured, and will onely appeale to your selues

Gent This you'l receiue by the hands of my old friend & worthy Acquaintance Coll John Seymour, whome her majesty has been pleased to devolve the Governement upon, in my Roome, and I that haue soe great a Veneration for you, and yo^r ease and Governement, doe assure you, if itt had been att my owne Election, I could not haue wished you a person of more strict honour and justice, and the best naturall Disposition you would hope for, The foure years I had the happiness to be amongst you I am not conscious to my selfe, there was two of the whole Councill and Assembly Dissatisfied att my weak Endeavours in my admaōn in the Governement, and am very well assured you will in this gent receiue the same blessing, and what ever Marks of favour you will shew him he will truely merit itt

Att my comeing away, you were pleased to confirme me in your good opinion of appointing me your Agent, and I

promised to serue you the first yeare, without any consid- P. R. O.
eration, which I haue done, and afterwards to haue One
hundred and Twenty pounds p annum upon which account
I haue fixed my selfe in London, and shall at all tymes be
att the board of Trade to doe you any service, Especially
when you send home any acts that you press being assented
to, or any other matters of moments to Lay before the Lords
of trade, all your laws lye before th^t hon^{ble} Board, in the
same state as the rest of the Governements in America, onely
the Law for Religion, as I haue already advised the Councill
is assented to

When I came from Maryland the Councill ordered M^r
Plater to send by for one hundred pounds out
of the Queens three pence for armes, for which I haue pur-
chased one hundred Musquetts, which comes to one hundred
pounds; there is some thousands of Flints, with the cases,
which comes to about three pence more, fifty of the said
Armes were about three moneths agoe putt on board Andrew
Senhouse, and the other fifty Collonell Seymour carryes with
him.

As to the affaire of New Yorke, which the Assembly agreed
to, the March before I came away, I haue fully discoursed the
Lords of Trade about itt, and you need not be under any
app^hensions of paying any of your Quota, unless Virginia,
or the adjacent Neighbours of Pensilvania Clubb Theirs, w^{ch}
I am confident, the latter will never be reconciled to, & I
believe Virginia will never assent to

The Navigation Bonds Coll Seymour with my selfe haue p. 9
taken a great deale of paines to represent in its true light,
but all has proued in Effectuall, for some great men att the
Helme, will not as yett countenance itt, I know not what
tyme may produce but my endeavours shall not be want-
ing, att all tymes to compass itt, Your Land law was pressed
very hard before the Lords of Trade to be repealed, but Coll
Seymour, M^r Loyd and my selfe appeared there and ob-
structed itt, with some Difficulty M^r Phil Loyd was very
actiue in itt.

I will craue leave to referr you to the worthy bearer your
Governour for a particular account of all things, especially
from the Lords of Trade; my obligations to you in Mary-
land were such that will lay me under an Eternall Tye of
regards to you, and I shall upon all occasions endeavour
to approve my selfe

Gent Yo^r most obliedged
faithfull humble Ser^t
N: Blakiston

P. R. O. Which being read itt was putt to the vote, whether or noe he should be any longer continued as agent for this Province, and it is resolved in the affirmative, Wherefore this house doe resolute to continue him, and ordered an ordinance be drawne to continue him, and to be sent up to his Excellency, and Councill for their concurrence which follows

By the house of Delegates
Aprill the 27th 1704

Collonell Nathaniel Blakistons letter to the Generall Assembly of this Province touching the agency of the affaires of this Province in England being read itt was putt to the vote, whether or noe he should be any longer continued to act as an agent for this Province, and it was resolved in the affirmative, wherefore this house doe resolute to continue him their agent, & desire the hon^{ble} Councils concurrence,

Signed p order

W Taylard Clke house Delegates

Eodem die assented to by her Majestyes hon^{ble} Council

Signed p order

W Bladen Cl Coucil

Sent up to the Council by M^r John White and John Smith whoe returne and say they delivered the same.

Ordered that it be recommended to the Committee of Laws to inspect the Act for three pence per Gallon, and report what amendments are requisite.

Bill for settleing a Revenue on her Majestyes present Governour, was read the first tyme, and doe pass, nemine contradicente.

M^r William Harris, M^r Matthias Vanderheyden, M^r Robert Bradley & M^r Peter Dent sent up to his Ex^{cy} and Council with

A Bill of Recognition

A Bill for settleing a Revenue on her Majesties p^rsent Governour, and the answer to his Excellency's Speech.

p. 10 They returne and say they delivered the message.

Moved by a member that Coll Blakiston the agent be requested to use his Endeavours to facilitate ameanes of bringing servants into the Province

And procure a longer Tyme for the Exportation of Tobacco out of England, and that he be desired to send the new Statutes of England from to this tyme, and soe from yeare to yeare, as new Statutes be made and Enacted

The petition of Arnoldus Livers for Naturalization was P. R. O. read and granted and

Ordered that a bill will be prepared for that purpose

Bill to impower Nicholas Millburnes Executors to Sell Lands for payment of his Debts, read the first Tyme, and doe pass.

Ordered M^r Lynes carry the said Bill to his Ex^{cy} He returnes and sayes he delivered the same

Moved by a Member that the Towne pasture of Annapolis is overburthened with stocks of horses, cattle, and Hoggs much to the prejudice of the publick, therefore desire the Law may be better observed

Resolved a message be sent his Ex^{cy} which follows

By the house of Delegates
the 27th of Aprill 1704 vizt

It is represented to this Assembly that the inhabitants of this Port and towne doe overburthen the Pasture, with their owne private Stocks, to the prejudice of the Publick and that it is not taken notice of, by the Towne Court, Wee therefore pray th' yo^r Excy will order the Towne Justices of the Towne Court to giue an account to this house how this injury crept inn, and why it's tollerated, and that your Excy will please to giue Directions, that the said Law be better obserued for the future, and that the Publick may not any Longer Suffer thereby.

Signed p order

W Taylard Clk house Del

It being read in the house was sent up to his Excy by M^r Thomas Frizby

The house adjournes till two of the clock in the afternoone.

Post Meridiem

the house againe mett according to adjournement, being called over, all were present as in the morneing.

Bill for regulateing ordinaryes read the first tyme and do's pass

Thomas Tench and Thomas Brook esquire enter the house and deliver m^r Speaker the following message

Aprill the 27th 1704

Gent

Yours by Coll Harris and other members of your house I haue rec^d with a due sense of your ready and hearty recognition of her most Sacred Majesty, and respect to my selfe, for p. 11

P. R. O. w^{ch} I returne you my hearty thanks, and will always endeavour to preserue among you, the good Esteem you conceiue of me, as to what you pray, that you should take further tyme to consider about building the house by her Majestyes Royall instructions required for her Governour here, this being, for the reasons you mention a very busy Tyme, I shall be very well satisfied to referr the same till I shall see you together againe, being willing to gratifie you in shortning the present Sessions

The severall indian Treatyes shall be layed before you as you desired, and tho' herewith are sent you such of her Majesties Royall instructions, which I am directed to advise and consult you in, yett her Majesties hon^{ble} Councill wth my selfe judgeing that the reviseing all the Laws of this Province, will be a worke of tyme, which this present juncture (the shipping going away) will not admitt of without great inconveniency, doe propose that a certaine Comitteee or a certaine number of persons best qualified for that purpose, may be appointed by this Assembly to review the said Laws, and putt them in a ready method by them to be reported to the next Sessions of Assembly pursuant to her Majestyes Royall instructions, which will be of great Ease to the generall Assembly, and save charges, soe th^t att present it is expected you should answer the other matters layed before you, wherein I cannott doubt of your ready advice and assistance, Therefore desire that what can conveniently be done this Sessions, and is most Essentiall may be Effected, and that you'll giue such proper answers in writeing to her Majestyes Royall commands, as you shall judge best fitting soe worthy a body, now mett together at this present generall assembly, and those you represent, in promoteing whose Interests, and happiness my Endeavours shall never be wanteing

Jn^o Seymour.

Which being read in the house itt was considered that the Paragraph therein relateing to the reviseing the Laws is a matter of great moment, therefore resolved itt be referred till next assembly.

M^r William Bladen Clk of the Councill enters the house and delivers m^r Speaker the Treatyes with the Indians

Collonell W^m Holland enters the house, and p^sents m^r Speaker the followeing message, which was read and ordered to be entred here as followes

By the Governour & Councill
in assembly

Gent Your representaōn relateing to the publick pasture

being over burthened, and desiring that directions may be P. R. O.
given to the Town Justices therein has been read att this
board, and necessary directions will be given therein

Signed p order W Bladen Cl Coucil.

Upon reading the Endorsement of the Council on the bill p 12
for recognition, resolved there be a conference to debate the
Same.

The bill for settleing a Revenue upon her Majesties present
Governour, was brought into the house wth this Indorsement
vizt

Aprill the 27th 1704

Read in Council and will pass when worded accordeing to
her Majesties Royall instructions relateing to three pence per
hogshead

W Bladen Clk

Resolved nemine contradicente that the af^d bill pass, as itt
now stands with amendment.

From the hon^{ble} Council some of her Majesties Royall in-
structions were recommended to the house, with Explanatory
observations, which was read in the house, considered & de-
bated and ordered to be Entred as followes

By the Govern^r and Council in Assembly

Aprill the 27th 1704

A copy of severall of her Majesties most Royall instruc-
tions to his Excy John Seymour Esq^{re} her Captaine generall
and Governour in chiefe of this her Province

And whereas by a late act of Assembly of our Province
of Maryland Entituled an act for Establishment of Re-
ligious Worship in this Province, accordeing to the
Church of England, and for the Maintenance of Ministers,
It is amongst other things Enacted and ordained, that the
Vestrymen of Each Parish, and other persons shall before
theire Entring upon theire respectiue offices, subscribe the
Association made, and mentioned in an act made, in the
Seaventh yeare of the Reigne of his late Majesty William the
third, Entituled an Act for the better secureing his Majestyes
royall pson, and Governement. But whereas by the Death
of the late King Iames, and by the decease of his late
Majesty King William the third the subscribeing the said As-
sociation is not necessary to be any longer continued, such
part thereof as relates to the Support and Defence, and Suc-

P. R. O. cession of the Crowne therein mentioned, being more fully provided for, by the aforesaid oath in aforementioned act Entituled an act to declare the alteraōns in the oath appointed &c. and its accordingly thereby Enacted, that soe much of the af^d act, of the Seaventh yeare of his late Majesty King William the third, as relates to the said association therein contained, or the requireing any officer, or other psons in the said act mentioned to Subscribe the Same, or the Enacting any forfeitures, penaltyes, incapacities, or Disabilityes upon any person for the neglect, or refusall to subscribe the same, or that requires any Court or Courts to tender the said Association be and are declared to be void and of noe Effect, to
 p. 13 all intents and purposes whatsoever, You are therefore to moue the generall Assembly of our Province of Maryland that an act be there passed in like Mann^r to declare the Association to be Determined, and to Annul the obligaōn that lyes upon any pson there to take the Same, either by the fore-mentioned act Entituled an act for the Establishm^t of Religious Worship in this Province, accordeing to the Church of England, and for the Maintenance of Ministers or any other act heretofore passed in our said province whatsoever, and that itt may be the better understood what acts and Laws are in force, in our said Province of Maryland you are with the councill there to take care, that all Laws now in force be revised and considered.

And if there be any thing either in the matter or Stile of them, which may be retrenched, or altered, you are to represent the same unto us with your opinion touching the said Laws now in force whereof you are to send a compleat body unto us, and to our Com^{rs} for trade and plantations with such alteraōns as you shall think fitt, to the End our approbation or Disallowance may be Signified, there upon

With this her Majesties Instructions his Excy recomēds to you the Explanatory observations from the R^t hon^{ble} the Com^{rs} of Trade and Plantations herewith sent you.

2^d You are to obserue in the passing of Laws that the Style of Enacting the Same be by the Governour Councill & assembly, and noe other, You are alsoe as much as possibly to obserue in the passing of all Laws, that whatever may be requisite, upon each different matter be accordingly provided for by a different Law, without intermixing in one and the same act such things as haue noe proper relaōn to each other, and you are more Especially to take care th^t noe clause or clauses be inserted in, or annexed to any act which Shall be forraigne to what the Title of such respectiue acts imports.

3. You are to take care that in all acts or orders to be passed within that our Province, in any case for Levyeing

money and imposeing fines and penalties express mention be made that the same is granted or reserued to us our heirs and Successors for the Publick uses of that our Province, and the Support of the Governement thereof, as by the said act or order shall be directed P. R. O.

4. and wee doe particularly require and comānd that noe money or vallue of money whatsoever be given or granted by act or order of Assembly to any Govern^r Lieuetenn^t Govern^r or Commander in Chiefe of our said Province, w^{ch} shall not accordeing to the state of acts of Parliament in England be mentioned to be given and granted unto us with the humble desire of such assembly, that the same be applyed to the use and behoofe of such Governour, Lieuetennant Govern^r or commander in chiefe, if wee shall think fitt. P. 14

5: And whereas the gen^l Assembly of our said Province has by severall Temporary laws Enacted that a duty of three pence Sterling per hhd upon all Tob^o exported out of the said Province (over and aboue the aforementioned moyety of two shillings p hhd) should be paid unto us our heirs and Successors dureing the tyme limited by Each act respectiuey for the Support of the Governour of the s^d Province Wee being willing that a like provision be made for your better support and maintenance in the said Governem^t are graciously pleased and doe hereby direct, that if the generall Assembly of our Province shall pass an act for Settleing upon us the whole Duty of three pence p hhd, dureing yo^r continuance in the said Governement or for longer Tyme, You may (in that case) receiue and take the same unto yo^r own use, over and aboue the three fourth parts of the forementioned Moyety of two shills p hhd, as before directed.

6: And you are to recomēd to the next generall assembly the raising of such other supplyes, from tyme to tyme as may be sufficient for defraying the other necessary charges of that Governement

7: You are not to permitt any clause w^tsoever to be inserted in any Law for levyeing money, or the vallue of money, whereby the Same Shall not be made lyable to be accounted for unto us here in England, and to our high Treasurer or the Com^{rs} of our threasury for the tyme being

8: And it is our Express will and pleasure th^t noe Law, for raising any imposition on Wines and other strong liquors be made to continue for less than one whole yeare, as alsoe that all other Laws whatsoever for the good governem^t and Support of our said Province, be made indefinite & without limitation of tyme, Except the same be for a Temporary End, and which shall Expire, and haue its full Effect, within a certaine tyme

P. R. O. And therefore you shall not reenact any law, w^{ch} hath, shall, or haue been once Enacted there, Except upon very urgent occasions, but in noe case more than once without our Express consent

9: And you are particularly not to pass any Law or doe any act, by Settlement, Grant or otherwise, whereby our revenue may be lessened or impaired, without our Especiall leave or Commands therein

10. You shall not p^mitt any act or order to pass in our said Province, whereby the price or v^{al}ue of our currant Coyne (whether it be forreigne, or belonging to our Dominions) wthin yo^r Governem^t may be altered without our p^ticular leaue or direction for the Same

P. 15 11. You shall take care that all planters and Christian servants be well and fittly provided with arms, and th^t they be listed under good officers, and when and as often as shall be thought fitt mustered and trained, whereby they may be in a better readiness for the Defence of our said Province under yo^r government, and you are to use yo^r uttmost, Endeavours, that such planters to each of th^m keep such a number of white Servants, as by Law is directed, and th^t they appeare in Armes att all such tymes as they shall be required.

12: and whereas there is noe power given you by yo^r Comⁿ to Execute Martiall Law in tyme of peace, upon Soldiers in Pay, and that nevertheless itt may be necessary, th^t some care be taken for the keeping of good discipline amongst those, that wee may att any tyme think fitt to send (which may properly be provided for by the Legislatiue power of the same) you are therefore to recommend unto the generall assembly of our said Province that (if not already done) they prepare such act or Law, for the punishm^t of Mutiny and Desertion and false Musters, and for the better preserueing the good Discipline, amongst the said Soldiers as may best answer those Ends

13 You are to demand an account of all persons concerned of Arms, Ammunition and Stores sent to our Said Province from the office of ordinance here, as likewise what other Arms, Ammunition and Stores haue been bought with the publick money for the Service of our said Province, and how the same haue been Employed, and whether any of them, & how many of them have been sold, spent, lost, decayed or otherwise disposed off, and to whome, & to w^t uses and to transmitt the s^d account as aforesaid

14. You shall take an Inventory of all armes, Ammunition and Stores, remaineing in any of our Magazin's or Garrisons in our said Province, and transmitt the same i^mmediately to us

and to our Com^{rs} for Trade and plantaons and the like Inven- P. R. O.
tary afterwards yearly

15 You are to take Especiall care that fitt Storehouses be settled throughout that our Province for receiueing & keeping of armes, Ammunition and other Publick Stores

16 You shall likewise take care that a generall Survey be made of all our said Province, and of each County in it, and that an Exact Mapp, or Mapps be drawne, and transmitted as af^d

17 You shall cause a Survey to be made of all the considerable landing places, & harbours in our said Province, & wth the advice of our Councill, there Erect any of them, and such fortifications, as shall be necessary for the security & advantage of th^t our province, which shall be done, att the publick Charge, in w^{ch} wee doubt not of their cheerfull concurrence

18 You are to Endeavour with the Assistance of the p. 16
Councill to provideing [sic] for the raiseing of Stocks, and building publick worke houses, in Convenient places for poor & indigent people.

19 You are to propose an act to be passed in the Assembly whereby the Creditors of persons, becomeing bankrupt in England & haueing Estates in Maryland may be relieued & satisfied the Debts oweing to them

True copy from the originall

In^o Seymour

Explanatory observations upon the clause in Coll Seymours instructions, relateing to the reviseing the laws of Maryland & transmitting a compleat body thereof

Collonell Blakiston late Gov^r of Maryland did with his letter of the sixteenth of August sixteen hundred ninety nine, transmitt to the Com^{rs} for trade and plantaons, a collection of the revised acts of that Province in two Books, the one entituled perpetuall Laws, without Limitaōn, the other Laws made in July 1699, intimateing withall, that Sev^{ll} former acts, were thereby continued and others altered

In the said booke of Laws made in July 1699 there is an act for ascertaineing the Laws of that Province, by w^{ch} the act, past that Sessions, together with such former acts whereof a List is there inserted, are declared & Enacted to be the onely Laws of th^t Province, and all others formerly made are thereby repealed

This method has been judged irregular because the vallidity of all the Laws of the Province, are thereby made to depend upon this one Single act, whereas Each of them ought to have been Enacted Separately, that soe they might haue been Singly either confirmed or Disallowed by her Majesty as

P. R. O. should haue been fitting, hereupon the act ascertaineing the Laws of this Province has been repealed and thereby its conceiued that not onely the new laws of the Sessions, but also the former Laws soe far as they were altered in th^e revision and doe depend on this act are all sett aside, soe that the Old laws, as they stood before that revision, and the passing of the said act did thereupon revise

But whereas its probable that the Assembly in reviseing the Laws as afores^d did make many alteraons, which may, be usefull, and proper to be allowed, Its judged expedient that the Same be now againe revised, and that such as haue
p. 17 been since repealed, but doe yett seem proper to be Enacted anew Each of them singly, And a compleat collection thereof sent over as formerly in large paper, that they may be submitted to her Majesties approbation or disapprobation.

And whereas itt will undoubtedly happen that in the collection of Laws thus revised and reenacted, diverse ancient Laws, will be repealed, Its thought necessary that a Separate Coppy of all Such repealed acts, be transmitted att the same time, that recourse may be had thereunto, as occasion shall require, since without the sight of Such repealed acts, the Com^{rs} for trade & Plantaons, will not be able to report their opinion upon the rest

By order of the Lords Com^{rs} for Trade and Plantations
Whitehall July 21st 1703 W^m Popple

Which instructions and Explanatory observations thereupon was read in the house, and resolved upon, as follows viz^t

As to the first article relateing to the reviseing the Laws this house conceiues itt to be a business of very great moment, therefore resolved the same be referred till next Assembly

2^d Article relateing to the Style in the Laws

Resolved itt be observed

3^d Article relateing to fines and penalties read and the house resolves to take care, in wording the Laws accordingly

4th article will be observed

5 Clause relateing to duty of 3^d p hhd is answered by a bill for that purpose

6, 7, 8, 9, 10, 11 & 12th Referred to the consideraon of the next generall Assembly

13 & 14th does not concerne this house

15 & 16 Referred to next generall assembly

17 Read, and does not concerne this house

18 & 19th Article referred to the next Sessions of Assembly

Which being debated the house desires m^r Speaker to signifie the sense of the house therein, by a message to be drawne up for that purpose

Collonell Hammond enters the house, and brings with him ^{P. R.} the followeing Message from the honble Councill viz^t

By the Gov^r Councill and Assembly
Aprill 27th 1704

p. 18

The Question putt to this board by a Member of itt whether in accounts of adm^{rs} and Executors the Ten p cent that is pmitted to be allowed for receiueing and paying is to be understood to Extend to that parte of the Estate as shall be found to remaine after just debts and charges, and remaineing to the Children or next of blood whether itt shall be understood to Extend to such part of the Estate as the Ex^{rs} or adm^{rs} shall pay, & discharge of Debts and charges, soe that the cleare Estate remaineing upon ballance to be divided amongst the children or next of Kinn, may not be charged with that allowance, and since yo^r house are the Properest Interpreters of the Laws by you first Framed, therefore your opinion is desired therein

Signed p order W Bladen Cl Counc^l

By the house of Delegates
Aprill 27th 1704

The aboue Question lyes before the house and they declare theire sense, that it is in the judgem^t of the Com^{ry} generall for probat of wills &c. for the tyme being to allow Tenn p Cent, or disallow of itt, as the merit of the case Shall require, Butt this house will farther consider thereof the next assembly

Signed p order

W Taylard Clk house Del

Ordered by the house that the Gov^{rs} Speech and answer thereto be forthwith printed

The House adjournes till tomorrow morneing 8 a Clock

Friday 28th Aprill 1704

The house mett againe and p^rsent as yesterday The Case of Pensilvania from Coll Evans, brought into the house, and ordered to be entred

The State of the case relateing to the Difference depending between the inhabitants of the Province of Maryland, and the inhabitants of the County of Sussex formerly called Workill, annexed to the Province of Pensilvania ab^t the land

P. R. O. lyeing between Rehobath Bay, the Indian River, and Assawarmett inlett Creeke or River

p. 19 The said Land haueing ever been accounted to belong unto the Workhills now called Sussex, on the Eleaventh day of May 1677 there was awarrant from the Court of the then Workhills County, six hundred and Eighty acres of Land Surv^d and Layed by one Cornelius Vehoof the then Surv^r to Capt. Nathan Walker, on the South side of Rehobath Bay called Cedar Neck, and on or about the 11th day of October 1678 the said Captaine Walker makeing applicaon to Sir Edmond Andros, the then Gov^r of New York and Dellaware River and Bay, And for a pattent of confirmation of the said Land taken up, and Surveyed as af^d, the said Govern^r ordered his Secretary Captaine Nichols to informe the Justices of the Workhill County that it was the Gov^{rs} Pleasure the said Capⁿ Walker should haue a Pattent for the said Land as requested in case itt should be certified by the said Court, y^t itt was not already granted or possessed by any other

Severall other persons inhabitants of the s^d County alsoe tooke up Land, and peaceably Enjoyed the same without any lett, hindrance or molestaon from the Lord Baltemore, or any claymeing by, from, or under him

In the yeare 1682 W^m Penn Esq^r Propry & Gov^r of the Province of Pensilvania obtained a grant from the then Kings Dearest Brother James Duke of Yorke for the County's of New Castle, Kent, Sussex now soe called, and in the said yeare, came over unto this Governem^t and haueing gone downe in pson, and viewed the Southernmost bounds of the Workhills, now called Sussex County did on the fourth day of May 1683 by his warrant under his hand and Seale, directed to the then Surv^r or his Deputy require him to Survey and lay out for the said Duke of Yorke Tenn Thousand acres of Land for a Mann^r upon the North side of Assawarmett River, and Inlett, and alsoe by another like warrant of the same date commanded then Surv^r to lay out for himselfe the said Propry all the rest of the Land lyeing between the Dukes Mann^r & Rehobath Bay, both which were actually surveyed and layed out by Joshua Blackstead, the then Deputy Surveyor in the moneth of October 1683

Soone afterwards differences ariseing between the two proprys the Lord Baltemore and William Penn Esquire about the bounds of theire grants, as well to the Southward as to the Northward, the said Difference was laid before the King and Councill the 13th November 1685, & by them committed to the hoñble the Lords Com^{rs} for trade and Forreigne plantaons; Upon whose Reporte it was ordered by the King

p. 20 in Councill, that for according of further differences, the Tract

of Land lyeing between the River, & Bay of Dellaware, and the Easterne Sea, on the one side, and Cheasepeake Bay on the other, be divided in two Equall parts by a Line from the Latitude of Cape Henlopen, to the fortyeth degree of Northern Latitude, and that one halfe thereof lyeing towards the Bay of Dellaware, and the Easterne Sea, be adjudged to belong to his Majesty, and that the other halfe remaine to the Lord Baltemore as comprized within his charter, and that the said Lands be forthwith divided accordingly, whereof the said Lord Baltemore, and William Penn Esq^r together with their respectiue officers, and all others whome itt may concerne were to take notice, and giue due and ready obedience thereunto, as the said order fully expresseth

Now if itt be alleadged that Cape Henlopen mentioned in the said order of the King and councill, & Cape Inlopen are the same, wee answer that then there had been noe need for the King and Councill to haue mentioned the Easterne Sea, but its certaine that Cape Henlopen was understood to be considerably to the Southward of Cape Inlopen, as by the printed Mapp, that was then layed before the King and Councill, and particularly by a Line drawne att the tyme on the said Mapp, beginning at the said Cape Henlopen does appeare

Sometime after the aforesaid order of the King in Councill for the decideing of the Difference between the two prop^{rs}, the Com^{rs} of Propry authorized to grant warrant and pattents for Lands by William Penn Esquire in his Province and Territoryes, were pleased to grant severall parçells of Land, unto Some of the inhabitants of the county of Sussex, out of the Tract of Land, that was taken up for our said Propry William Penn Esquire, in Cedar Neck, and particularly six hundred acres, to William Clarke jun^r, both which said parçells of Land were Seated, and great improvements made thereon, and they and their assignes possessed and Enjoyed the Same peaceably for severall years

Butt soe it is that some Tyme after the inhabitants there were well settled in and about Cedar Neck as af^d in right of the Propry Penn, some of the inhabitants of Somerset County in Maryland, came and by force of arms compelled the inhabitants there to submitt to the Governem^t of Maryland, and now haue Serued a Lease of Ejectm^t on one John Stokely Tenn^t to the said William Clarke at the suite of one Diggs, under pretence of a grant, or survey under Maryland Rights (after the said Land was located and Layed out for, and by the order of the said William Penn) commanding him to come to Tryall att the Provincial Court att Annapolis

Now the said Difference between the said Proprys still depending, Notwithstanding the aforesaid order of Councill by

P. R. O.

P. 21

P. R. O. reason itt has not been yett executed, Its judged but reasonable and therefore requested, that all proceedings in the said court of Maryland, relateing to the said Lands may be stopt, and affaires of that Kind rest, untill the Division Line be run out between the two proprys, which hath of late been the order, and advice of the president & Councill in Maryland, and to this wee shall readily Submitt

Signed on behalfe of William Penn Esq^r

Propry of Pennsylvania and Territories

James Logan Propry dty &
Secry

Signed on behalfe of my selfe & other inhabitants of the
County of Sussex

W^m Clarke

Which said case was endorsed by the honble Councill as
followes

With a Lre from Col^t John Evans Gov^r of Pensilvania to
his Excy John Seymour Esquire Governour of Maryland

By his Excy the Gov^r and Councill

Aprill the 27th 1704

Ordered that m^r John Evans Lre with this case be laid before the house of Delegates, for their consideration, and for that this Dispute lying soe long undetermined is of very pernicious consequence, in that justice is impeded, The Sherr of Som^rsett county in this Province and of Sussex not knoweing the Limitts of their, Ballywicks, soe that many psons Evade the Laws, Each of these officers, being fearefull & uncertaine what to doe upon this occasion, it is proposed to the house of Delegates to advise the Properest and readiest meanes, to prevent that inconvenience, and prejudice, that her Ma^{ty} may be preserued and her Subjects holding Lands under Prop^{rs} may know what to trust to

Signed p order

W Bladen Cl Coūcil

Sir

I wrote to yo^r Excy on the first advice I had of yo^r Arrivall att Annapolis by a person whoe went home the day before yo^r Excy came here, which I hope is come to hand, the good news of yo^r Excys arrivall, yo^r Lady's and family's after soe long and tedious a Voyage is extreamely welcome to me, the case herewith sent to yo^r Excy is fully & duely stated, and I doubt

not but the requests therein made, that proceedings thereupon P. R. O.
may be stopt, will appeare highly reasonable to yo^r Excy, and
conducing to the peace of the inhabitants of Maryland and
those of this Governement till such tyme as the Division Line
between the two proprys my Lord Baltem^r and W^m Penn Esq^r
shall be made, I am with all sincerity

Yo^r Excys most humble & faithfull ser^t

Jn^o Evans

Philadelphia

Aprill 20th 1704

Which being read and considered on by the house was thus p. 22
Endorsed

By the house of Delegates

Aprill 28th 1704

This case has been considered and debated and being
testified to this house; that the Land and plantations in Ques-
tion was Seated by Marylanders, & has constantly acknowl-
edged the jurisdiction thereof from the tyme of the revolu-
tion, and before by paying Leavy's, and doeing suite att Court,
and Stokely the pty Ejected by Diggs then was, and now is
a Justice of Somersett County Yett liveing on the said Land
of Cedar Neck, and therefore since his late Majesty, att the
takeing this Governement into his Royall hands, found th^t
Land, and the Inhabitants within its Jurisdiction, this house
cannott advise to determine but to assert her Majesty's right
to the same till the Prop^{rs} shall runne the Line, accordeing to
order of Councill, and wee cannot advise any properer means
to ascertain the bounds, than by the Prop^{rs} runneing the Lines

Signed p order W Taylard Cl house Del

By his Excellency the Gov^r and Councill in Assembly

April 28th 1704

Gent

Your message by m^r Salter and m^r Smith has been read and
his Excy and her Ma^{ty}s Councill declare th^t they hold itt
absolutely necessary, that her Majestyes Royall instructions
relateing to the Determining of Association, and Enacting
the oath of abjuraon, to be taken by all in office here should be
Enacted into a Law this present Session of assembly & not
further Delayed, and among many other great and weighty
reasons, therefore (besides our duty in complying with her
Majestyes most lawfull and reasonable comānds) doe urge that
in the said Instructions of the Vestrymen &c. being obliedged

P. R. O. to Subscribe the Association, which is now not necessary, and that it would be very absurd to require that Subscription, since his late Majesty's decease therefore this board doe againe recommend to you to provide for the same by an act this Sessions w^{ch} will be to the better Satisfaction of her Majestyes Subjects here.

Signed p order W Bladen Cl Council

By the house of Delegates
Aprill 28th 1704

Resolved that a Law be prepared as reco^mended

Signed p order W Taylard Cl house Del

The petⁿ of George Valentine praying the office of mace bearer to Serue in the Roome of Dan^l Canum dec^d was here read, and was granted by the house Nemine contradicente, and he being called into the house, m^r Speaker was pleased to
p. 23 remind him of the duty in the office of Gatekeep^r that he take particular care of the Fencing about the Towne and to secure the Publick Pasture from Hogs and Cattle &c.

He promised to use his best Endeavour therein, and that noething shall be wanteing in his Duty soe withdrew

Brought into the House the case of Sir Thomas Laurence Secry of Maryland which followeth.

Annapolis Aprill the 25th 1704

The present case of her Majestyes secry of Maryland humbly presented to his Excy Collonell John Seymour her Majestyes Captaine Gen^l and commander in chiefe of the s^d Province And humbly Sheweth

That the profitts, ariseing from the Licences, granted by the justices of every respectiue County in the Province to all Keepers of Ordinaryes, in this Province yearely hath from the beginning and Settleing of this Governem^t, under the R^t honble the Lord Baltimore been given and invested in the Secretary as a considerable Branch of his office, and alwayes confirmed to him by act of Assembly in Maryland

That upon his late Majesty King William the third of glorious memory, his Assumeing this Governement, into his owne hands, and under his imēdiate care, in the yeare 1692 Collonell Lyonell Copley first Governour of this Province obtained of the Assembly in that yeare to Settle the benefitts accrewing from the said Ordinary Licences on himselfe in the same manner, they had alwayes been paid to the Secry heretofore

Butt that upon complaint humbly made to his late Ma^{ty} in P. R. O.
 Councill, and prooffe made by Sir Thomas Laurence his Maj-
 estyes then Secretary, of the injury done to his said office, his
 late Majesty was pleased to disallow the said Law soe obtained
 by Coll Copley, and by order of Councill dated March 2^d 1693
 to restore the said Sir Thomas to the full profit of the said
 Ordinary Lycences, upon the Kings Secretary in manner and
 forme it was ev^r before

That this Law of Ordinary Licences being among others
 but a Temporary Law hath since 1694 been severall tymes
 revived, but comeing lately to determine, the last Sessions of
 the Burgesses of this assembly mett in October 1703 takeing
 noe notice of all theire former acts, nor of his late Majestyes
 order in Councill, all confirmeing the Right of the said Secry
 to the profitts of the said Lycences, nor makeing any objections
 to his p^{ersonall} behav^r or conduct why he should be deemed
 unfitt or unworthy to Enjoy the Same, as he had ev^r Enjoyed
 itt, did Settle, and Vest the profitts of the said Ordinary
 Lycences, by a new Bill in the Justices of Every respectiue
 county to be applyed yearely toward the Defrayeing the pub-
 lick charges of every respectiue County in this Province, but p. 24
 this Bill was dissented to by the honble the president

May itt please your Excy

This being the present case her Majestyes Secretary humbly
 referrs itt to yo^r Serious considera^{on}, and requesteth your
 Excys protection of himselfe, and the perpetuall Rights of his
 office, from which by the bill aforesaid, one third part of the
 profitts thereof are alienated and taken away, That your Excy
 would please to discountenance the said Bill, and Direct the
 Law to be revised in its old course and forme, since the
 country cannott be off without the use of such ordinaryes duely
 qualified and regulated

And yo^r pet^r shall as in duty bound ever pray

Tho: Laurence

Which said case being read and Debated & considered on
 Its resolved the following Message be sent in Answer thereto

By the house of Delegates
 Aprill the 28th 1704

The case of Sir Thomas Laurence has been considered,
 this house haue noe Resentment, against Sir Thomas her
 Ma^{ty}s present Secry nor anything to alleadge against his merit
 but because the p^{resent} applica^{on} of them fines by the late bill

P. R. O. prepared for regulateing Ordinaryes appears to be more to the advantage and interest of the Province, then the form^r, and th^t those ordinary fines, was not originally an inherent right, but free Gift of the province, therefore the said Bill has past the first reading, and is herewith sent up, prayeing the hon^{ble} counccills concurrence

Signed p order W Taylard Cl house Del

Collonell Edw^d Dorsey a Member for Baltem^r County entred the house, and ordered th^t M^r John Smith goe up to his Excy & Councill to see him sworne

He returnes & sayes he seen him Sworne

M^r Jacob Lookerman and M^r Hugh Eccleston members of Dorch^r County enter the house and

Ordered that M^r James Smallwood attend them to the Gov^r and Councill to see them Sworne

He returnes and sayes hee hath seen them sworne, thereupon they tooke their places in the house

Collonell Thomas Smith and m^r Richard Tilghman appeared in the house, & declared their satisfaction in, & willingness to take the oaths, &c

Thereupon ordered th^t m^r Jacob Lookerman & m^r J^{no} Wright attend them to his Excy and Councill to see them sworne

Whoe returne and say they have seen them quallified & thereupon they tooke their places in the house

p. 25 Ordered the Clk goe to the Secretaryes office & bring wth him the record of his Excys Comission, which being brought was ordered to be read

The answer to his Excys message was read & ordered to be Entred as followeth

By the house of Delegates

Aprill the 28th 1704

S^r

Wee haue duely considered yo^r Excys Message to us by the honble Thomas Tench and Thomas Brooke Esq^{rs} & wee are glad to see yo^r Excy soe candidly accept our respects w^{ch} proceeded from a true Esteem, wee haue of yo^r worth and honour

Wee haue considered the Indian Treatyes laid before us and haue nothing to advise to be added, but th^t the same may be renewed under the p^rsent Articles

Wee haue carefully perused and Examined the Severall Royall instructions of her Majestye to his Excy & sent us, and in obedience to what his Excy requires of us to giue answers in writeing to them, wee haue Endeavoured with our utmost care to giue such as may become us, and be acceptable, &

since yo^r Excy and Councill haue concurred with us in Short-^{P. R. O.}ning this Sessions, as much as may be, and Enttring on noething, but matters of p^rsent Emergency, and that many of these articles are of great weight and moment, wee hope itt will not be taken, as Negligence in us, if wee desire severall of those matters be referred to the consideraōn of the next generall Assembly, when yo^r Excy shall please to conuene them and wee [are] the rather induced to this by reason of the thinn appearance of the members of our house, neare a third part being wanteing

Therefore 1st as to appointing a committee to inspect and revise the Laws in the Vacaon of Assemblys wee haue formerly made tryall of that method, but it never answered expectaōn, and itt may be better, and more p^rfectly Done in assembly tyme, where all Difficultyes may Readily be solved as they arrise, as formerly it has been done, wee desire that Article, together with the 4th, 5, 6, 7, 8, 11, 12, 15, 16, 17, 18 & 19th articles may be referred to the consideraōn of the next grall Assembly, to which purpose wee shall order our Clerke to draw off all those matters, and others upon this occasion, wee are forced to referr as aforesaid, and lay them before the next assembly, And as to the abjuraōn, & other oaths required to be Enacted, Now wee conceiue that since the Laws of England, in that point are obliedging to us, as well as others, that may be referred alsoe

As to the Style of our Laws in the Second Article wee shall conforme our Selues as required

Wee will alsoe obserue the third article in what laws wee^{p. 26} shall frame this sessions, the 9th and 10th articles are particularly to yo^r Excy, and wee shall not offer any thing to the violaōn of them

The 13th and 14th are directed to yo^r Excy & the honble Councill, & if we knew what Questions your Excy would ask us thereon then wee would humbly offer our thoughts

Signed p order

W Taylard Clk house Del.

Bill for Recognition

Read the second tyme and doe pass

Bill for Duty of three pence p hhd

Read the second tyme

The case of Sir Thomas Laurence relateing to ordinary keepers Lycences, and answer of the house, wth the bill of ordinary's and the case of Pensilvania, and answer to itt, all sent up to his Excy and Councill p M^r Richard Tilghman and m^r Robert Bradly

They returne and Say they delivered the same

P. R. O. M^r Philemon Loyd, M^r Rich^d Tilghman & M^r John Salter are appointed by the house a committee of Laws

Collonell Thomas Smith, M^r Robert Bradly & m^r John Smith are appointed a Committee for inspecting regulateing and stating the publick accounts of this Province

M^r William Harris, M^r Phill Lynes, and Maj^r Charles Greenberry, appointed a committee of aggrievances

The petⁿ of Catherine Alderne, on behalfe of her daughter Susannah Blangy was here read, & the house gaue leaue that a bill be brought into the next Sessions of Assembly, and that Summons be sent to the heirs of Alderne to appeare the next Assembly to make theire clayme if any

The house adjournes till 2 a clock in the afternoone

Post Meridiem

The house mett, were called over, and p^rsent as in the morning (onely m^r Thomas Beall Sick)

Bill empowering Millburnes Ex^{rs} to sell land for payment of his Debts.

Read the 2^d tyme, and doe pass

Ordered the Severall Committees goe out upon theire business

Motion being made to the house that some measures be taken for conversion of the indians in the Province is referred to be considered, and resolved on tomorrow morning

p. 27 Moved by a member that measures may be taken to Suppress Popish Priests, and others from Endeavouring p^rverting her Matys Subjects, and Draweing them over to the church of Rome

Message by the honble Robert Smith and James Saunders Esq^{rs}, and alsoe a bill for settleing a Revenue of 3^d p hhd

Proposed that care be taken to obliedge the inhabitants of this Province, and theire families on the Sabbath dayes either to goe to some publick place of Devotion, or to Stay att home Employing themselves in reading good bookes &c.

Moved that an Explanatory Law be made for the use of Tob^o raised or to be raised, in the Sev^{ll} parishes, where there is no Minister inducted

All w^{ch} is referred to be considered of in the morneing

Ordered that M^r W^m Parker goe, and acquaint M^r Henry Lowe, that the house commands his imēdiate attendance

M^r Parker enters the house, and sayes he has been wth the said Low whoe refused to giue his attendance

Therefore ordered the Serjeant attendant goe imēdiatey and bring the said Henry Lowe before this house to answer his contempt

The Serjeant brought the said Lowe to the barr of this house where he was rebuked for his misdemenour, and the s^d Lowe being demanded by M^r Speaker if he would take the oaths and quallifye himselfe to sitt in this house or noe, he answered that he would not take them, Therefore desired to be dismissed the house, and was thereupon accordingly Dismissed P. R. O.

The petition of Christopher Smythers for Naturalization was read and granted

The petition of W^m Dyer read and rejected for that the house conceives, this Province in noe wayes obliedged to pay such officers

John Hamond and James Saunders Esq^{rs} from the Councill enters the house, and bring with them

Bill for settleing a Revenue &c. Endorsed thus

Read the first tyme, and will pass with the aboue amendm^t

Bill for regulateing ordinaryes, with amendments

The petⁿ of Sir Thomas Laurence read in the house & being debated they say the bill has been proceeded on to the second reading, and the Councill has given measures for theire assent soe that the house will not recede from what they haue done there being noe sufficient reasons, to induce them to itt ordered to be Endorsed on the said Petition

Petition of Charles Pye read & recommend to the committee of Laws for theire perusall to prepare a bill for his reliefe

The honble Thomas Tench and Thomas Brooke Esquires enters the house, and Delivers M^r Speaker the following message

By his Excy the Govern^r and Councill in Assembly
Aprill 28th 1704

Its conceiued upon the Debate of her Majestyes Royall instructions, concerneing the State of Enacting the Laws of this Province, that the words ought to be (by the Queens most Excellent Majesty, by and with the advice and consent of her Majestyes Govern^r Councill and gen^l assembly [of] th^s province and the authority of the Same p. 28

Signed p order W Bladen Cl Councill

Resolved to be obserued

M^r Samuell Young and m^r Robert Bradley sent up to his Excy and Councill to desire a conference to debate some matters in the act for regulateing ordinaryes

They returne and Say that his Excy is pleased to appoint a conference tomorrow morneing, and that Rob^t and W^m Hol-

P. R. O. land Esq^{rs} of the Council be appointed to joyne with some members of this house

Its therefore ordered that M^r William Harris M^r Mathias Vanderheyden, and M^r Charles Greenberry, joyne in the Conference, and ordered they attend the same tomorrow morneing

And the Bill for regulateing ordinaryes was thereupon delivered William Harris

The petition of Anne Cannin for and allowance for building a shedd to the Gate, and for allowance of Sallary due for keeping the Gate, hoisting the Flag, and beating the Drume was here read

And its considered that the first part of the Petion be rejected, and the other part for Sallary be refferred to the Committee of accounts for allowance

The house adjournes till tomorrow morneing 8 a clock

Saturday the 29th April 1704

The house mett were called over, and p^rsent as yesterday

M^r W^m Harris Enters the house, and makes report from the conference appointed, relating to the bill for regulateing ordnaryes, that the amendm^t made by the Govern^r & Council be left out of the said bill (Citty of Saint Maryes and Port of Annapolis) not empower'd to grant Lycences

Brought into the house his late Majestyes Instructions relating to S^r Thomas Laurence, and the act for regulateing ordinaryes, which being here read and debated this house resolve not to recede from their former resolution

Bill for regulateing ordinaryes againe read, and debated

And resolved itt doe pass for Engrossing (Endorsed Bill for settleing a revenue, on her Majestyes Govern^r)

Read the 3^d tyme and doe pass

Bill Empowering Milburnes Ex^{rs} to sell Lands &c.

Read the 3^d tyme and doe pass

The honble James Saunders & W^m Coursey Esq^{rs} from the hon^{ble} Council enters the house and Delivers M^r Speaker

p. 29 Bill for Sale of Captaine Henry Smiths Lands

Coppy of M^r William Blatwaiths commission for Auditor Generall and message therewith vizt

By his Excellency the Govern^r & Council

Gent

The honble William Blathwaite Esquire his Pattent for being Auditor Generall of her Majestyes American plantaōns & collonyes being layed before this board, and herewith sent you, whereby you may perceiue, what reasonable allowance for that

service his Majesty has thought fitt to make him, out of and P. R. O
 from the Revenue of each respectue Plantaōn and Collony
 then under his Royall Governement, the Governement of this
 Province being then in Proprietors hands, was the reason that
 noe such provision was made for him here, But itt being conceivd th^t the s^d Auditor generall may be of great Friendship
 and service to this Province The accounts of whatever is
 raised or leavyed here, whither money or Tob, being to be
 layed and passed before the Lord high Threasurer of England,
 Wee hope that you will thinke fitteing to provide some suit-
 able gratuity by a reasonable yearly allowance to be made
 unto him for such his service, as you will see other plantations
 and Collonyes, are directed by his Pattent, the Publick accounts
 of this Province being now under his care, by the Governm^t
 being taken into his Ma^{ty}s more immediate princely care &
 Royall Jurisdiction

Signed p order

W Bladen Cl Councill

M^r John Salter sent up to the Councill to desire a conference with them toucheing our Laws

He returnes and sayes the Councill are willing to joyne in conference for that purpose & will appoint some gent to joyne with some members of this house, & ordered they mett in the Library Chamber

M^r Phil Loyd and M^r Rich^d Tilghman appointed & ordered to attend, whoe enters the house, and reporte that the Councill did resolve th^t the Laws be Enacted in the Queens name according to message on that subject

The message by James Saunders and W^m Coursey Esq^{rs} being read its considered by the house that the office of W^m Blathwalte Esquire does not concerne the publick of this Province, and this house doubt not but his Majesty whoe has appointed the office, has allowed a Suitable Sallary, therefore

The house proceed to resolve proposalls yesterday as followes

1. As to the proposall for conversion of Indians, Its resolved th^t a bill be prepared, and brought before the house for that purpose

2. To suppress Popish Priests & others from pverting her Ma^{ties} Subjects and draweing them over to the church of Rome, & the proposalls for the inhabitants to goe to church or some publick place of Devotion on Sundays or keep home reading good books, &c. for good Example read, and,

Resolved th^t bills be drawne & brought in for the same

3. as to the Explanatory bill for to appropriate such Tob^o as shall be raised in parishes where noe ministers are inducted

Likewise resolved a bill be prepared for that purpose

P. R. O. The honble Edw^d Loyd & W^m Holland Esq^{rs} from the Councill enter the house, & bring with them her Majestyes
 P. 30 Lre, touching New Yorke Quota copy Land Law, and the hon^{ble} the Lords com^{rs} for trade and plantaōns Lre to the Govern^r and Councill

The honble John Hammond Esq^{re} from the Councill enters the house and brings with him

Bill for sale of Captⁿ Smiths Lands for Payment of Debts which was read the first tyme, and itt appeareing to the house, th^t the heirs were summoned, therefore resolved itt doe pass

Petition of John Whittington prayeing a bill for sale of Daniel Toas Land for paym^t of a debt to him read, and

Resolved that leaue is given to bring in a bill, and th^t Summons with copy of the Petⁿ issue to John Toas to appeare next assembly, to show cause why a bill shall not pass for Sale of the Lands for payment of Debts as prayed

The petition of John Freeman for an allowance of his trouble in goeing to Pensilvania, and the loss of his horse read and referred to the committee of accounts for a Suitable allowance for his trouble and loss sent up to the comittee

Her Majestyes Lre of the 21st May 1703 touching New Yorke Quota read

Resolved that this house have already complied with her Majestys comānds to the utmost of their ability by raising of three hundred pounds Ster to be p^d when the other Collony's shall comply with theirs, and wee are informed by our agent that it is not Expected of us till our Neighbours comply likewise.

The two acts of assembly one ascertaining the bounds of Lands and the other for Limitting tyme for paym^t of obligations transmitted this house with the Lord Baltem^{rs} observaons thereon w^{ch} being read the house, conceiue it to be matter of great weight & moment therefore

Resolved it be referred till next assembly

By the house of Delegates
 Aprill 29th 1704

The message to his Excy by the honble James Saunders & W^m Coursey Esq^{rs} being read, as likewise the R^t honble W^m Blathwaite Esq^r his comⁿ of Auditor grall, It is conceiued by the house th^t the s^d office does noe wayes concerne the publick of this Province, & doubt not but when his Majesty granted the s^d Comⁿ he annexed a Suitable Sallary to itt, and th^t the Publick is not to support such office, & as to her Majestyes Lre touching the Quota of New Yorke, this Province has

already complied, with her [sic] late Majestyes commands to the utmost of theire ability by raiseing of three hundred pounds Ster, when the other Collonyes should comply with theire Quota's and we are informed by our agent th^t it is not expected from us till they doe

As to the Letter from the R^t honble the Lords Com^{rs} of trade and plantaōns of the 12th of Aprill 1703 touching the L^d Baltem^{rs} objections ag^t the Land Law, and th^t for Limitting tyme for paym^t of obligaōns being matters of great moment, the p^rsent Exigence of the tyme, and the thinness of the house will not allow off our Examineing of them att this tyme and

Therefore they are referred to the consideraōn of the next assembly

Signed p order

W Taylard Cl house Del

Bill for settleing a Revenue on her Majestyes Govern^r with amendment both sent up to his Excy by Major Charles Greenberry and M^r Phillip Lynes, as alsoe her Majesties Letters, and M^r Blathwaits Comission

They retorne and Say they delivered them

Bill for regulateing ordinaryes &c. sent up to his Excy by M^r Phillip Lynes

He returnes and Sayes he delivered itt

The house adjournes till 2 a Clock afternoon

Post meridiem

The house mett againe

Proposed by a member whether it be not adviseable to consider the repaires of the State house

Resolved that M^r Samuel Young, and Major Charles Greenberry, and M^r John Salter view the said house, & consider what necessary repaires itt wants

Bill for Naturalizaōn of Christopher Smythers, Arnold Livers and John Jawert, read and assented to by the house of Delegates

Bill to Enable the Ex^{ts} of Nicholas Millburne to sell Lands for payment of his Debts

Read and assented to by the house of Delegates, and sent up to his Excy and Councill by M^r Phill Lynes

He returnes and sayes he delivered the Same

The honble William Coursey Esq^r enters the house, & delivers M^r Speaker the bill for regulateing ordinaryes &c.

One of the members of the Committee of acc^{ts} enters the house and Delivers m^r Speaker an acc^t of M^{rs} Beards for cleanseing armes, and being Debated this house conceiues itt ought to be paid out of the 3^d p hhd

P. R. O. Therefore resolved itt be recommended to his Excy for paym^t and th^t a message be prepared and sent his Excy for th^t purpose which follow's &c.

By the house of Delegates

Aprill 29th 1704

Wee herewith send an account layed before this house by the widdow Beard, demanding pay for cleanseing of armes &c. and since her majesty has been graciously pleased to direct 3^d of the 12^d p hhd to be applyed to supply the Countrey with arms &c. and th^t preserueing them are as necessary as purchaseing th^m and th^t part of itt has been soe applyed, Wee humbly refferr the Same account and all others of th^t nature to yo^r Excy to cause to be Examined, and th^t you will please to order the charge thereof to be defrayed out of the Revenue

Signed p order W Taylard Cl house Deleg

Which message being read was sent up to his Excy by M^r Thomas Smith.

He returnes and sayes he delivered the same.

The gent appointed to view the State house, & report w^t necessary repaires are wanting, Enter the house and report as followes.

P. 32 Wee whoe were appointed by this house to view the State house and giue an acc^t wherein wee find itt Defective and out of repaire, Doe report as followes.

That the Cubilo ittselfe wherein the Flag Staff stands is leakey in the Shingling, and that the water runs downe the Flag staff thro' the house where its hoysted, which is the greatest Leake we can find, and cannot propose any other way to prevent itt, then to remoue the staff, and close the hole, or lett the staff stand, and cover the hole close, about the staff with Lead, and wee Doe find that most of the offices wants more or less repaire in plaistering and glazeing, and some small bolts to the windowes, one of the back doores to be hung, and a new step to be made, and the case of the new Front Doore to be filled, and the stone step to be repaired, the Lower Roome and great wood windowes to be repaired, and the plaistering to be mended

Samuell Young

John Salter

Charles Greenberry.

Which being read its resolved that M^r Sam^l Young & M^r Charles Greenberry agréee with workemen to make such repaires, and that an ordinance be Drawne, & sent up to his Excy and Councill for their concurrence vizt

By the house of Delegates
29 Aprill 1704

P. R. O.

By reading and considering this report its resolved th^t M^r Sam^l Young and M^r Charles Greenberry be appointed & authorized to agree with workemen to make the necessary repaires aforesaid with all convenient Speed, and the charge shall be defrayed by the Publick to which the honble Councils concurrence is prayed

Signed p order
W Taylard Cl house Del

The committee of Laws Enter the house, and the followeing report was read.

By the Committee of Laws
Aprill 29th 1704

Its humbly reported to the house, That as to the Law for Religion wee find itt necessary th^t a Law be made to repeale th^t clause therein which oblieges the Vestrymen of Every Parish to subscribe the Association

As to the Law for regulateing the militia with other temporary Laws, which will Expire this Sessions (if not revived) require due tyme for consideraōn, Therefore humbly are of opinion that the consideraōn of those Laws be referred till next assembly and the bills now prepared to reviuē, and continue them till they may be revived

As to the resolute of the house upon M^r Char Pye's petⁿ itt being a matter of consequence, Desire th^t the compliyance therewth may be referred to the next Assembly.

Signed p order
Rich^d Dallam Cl Com^{ee}

By the house of Del Ap^l 29th 1704

P. 33

This being read the house Nemine contradicente concurss therewth and pray the honble Councils concurrence.

W Taylard Cl house Del.

Putt to the Question whether the bill for 3^d p hhd doe pass with amendment or not and resolved it be amended and sent to be Engrossed.

The honble John Hammond and Edw^d Loyd Esq^{rs} enter the house and delivers M^r Speaker

An act [for] Naturalizaōn of Christopher Smythers & others
Act enableing Millburnes Ex^{rs} to sell Land Endorsed

Read & assented to by his Excy and Council

W Bladen Cl Council

P. R. O. They likewise deliver m^r Speaker the bill for regulating ordinaryes, with remarks and Amendments
 Reviveing bill for 3^d p^h hhd to the Countrey
 Reviveing Bill for regulateing Militia
 Reviveing bill for raiseing a Supply towards Defrayeing the publick charge
 Reviveing bill for Summoneing Grand and Pettitt Juryes
 Reviveing bill for Limitaōn of officers fees
 Bill determineing Association, and ordering the oath of abjuration to be taken in this Province
 All w^{ch} foregoing Bills were read in the house the first tyme, and

Sent up to his Excy and Councill by m^r Robert Bradley & m^r Peter Dent

The bill regulateing ordinaryes was againe read & debated Putt to the Question whether this house should agree to the amendm^{ts} in the Bill or not

Carryed in the negatiue, and resolved there be a conference with some of the Councill to debate the matters in the s^d Bill and th^t M^r Phil Loyd desire his Excys concurrence therewith.

He returnes and sayes his Excy is very willing th^t some of the Councill should joyne in conference, and accordingly will order some gent of the Councill to attend

Thereupon its ordered by the house th^t M^r Thomas Smith, M^r Phil Loyd, M^r Rob^t Bradly and M^r Rich^d Tilghman attend the conference, and make speedy reporte

The house adjournes till Munday morneing 8 a Clock

Munday May the 1st 1704

The house mett againe being called over were present as on Saturday

George Muschamp Esq^r for the Citty of S^t Maryes & W^m Whittington a member for somersett County Enter the house

Ordered John Smith attend them to his Excy to see th^m Sworne

Whoe returnes and Sayes he See them quallified They Enter the house and tooke their places

P. 34 Report of the Committee of Laws sent up by m^r Thomas Frisby to his Excy in Councill for their concurrence

He returnes and Sayes he delivered the Same

The honble Thomas Brooke, and Edward Loyd Esq^{rs} enter the house and Deliver M^r Speaker

Ordinance for repaireing State house

Assented to by the Councill

Bill empowering a Committee to Lay assess and apportion the Publick Leavy this present yeare

Endorsed Aprill 29th 1704 referred to the next Sessions of P. R. O.
Assembly W Bladen Cl Council
Which was read and this house concurs therewith

Bill determineing the association & ordering the oath of
abjuraōn to be taken in this Province
Endorsed Aprill 29 1704
Read the first tyme W Bladen Cl Councill

A Reviveing bill for raiseing a Supply towards Defrayeing
the Publick charge
Aprill 29 1704
Read the first tyme W Bladen Cl Co:

Reviveing bill for quieting Differences between the English
and Indians
Read the first tyme W Bladen Cl Councill

Reviveing bill for summoneing grand and Pettitt Juryes
Endorsed vizt Aprill 29 1704
Read the first tyme W Bladen Cl Councill

Reviveing bill for 3^d for the Countrey
Endorsed Aprill 29 1704 Read the first tyme
W Bladen Cl Concil

Reviveing bill for Limitation of officers fees Endorsed
Aprill 29 1704
Read the first tyme W Bladen Cl Concil

Robert Smith Esquire Enters the house, and Delivers M^r
Speaker the followeing Message

By the Councill in Assembly
May the 1st 1704

This board haueing considered the report of the Com^{ee} of
Laws agreed to by the house, and sent to them by M^r Thomas
Frisby whoe concurs therewith
Signed p order
W Bladen Cl Councill

The member appointed upon the conference for debateing
the amendment in the bill for ordinary Licences, enters the

P. R. O. house, & report that the Concill did positiuely insist upon the amendm^t in the bill proposed, butt the members of this house could not concurr therewith, soe th^t the conference Dissolved

Resolved th^t a Curtaine be p^rpared by M^r Sam^l Young to hang before her Majestyes Picture, to prevent itt from the weather, whoe is Desired to gett one forthwith, & he shall be p^d by the Publick

P. 35 Bill determineing the association and ordering the oaths of abjuration to be taken in this Province

Read the 2^d tyme, and doe pass for Engrosseing

Reviveing bill for raiseing Supply towards Defrayeing the publick charge

Read the 2^d tyme and doe pass

Reviveing bill for quieting Differences between the English and indians,

Read the 2^d tyme and doe pass

Reviveing bill for Summoneing grand and Pettitt Juryes

Read the 2^d time and doe pass

Reviveing bill for Limitaōn of officers fees,

Read the 2^d tyme and doe pass

Reviveing bill for 3^d p^r hhd to the Country

Read the 2^d tyme and doe pass

Sent up to his Excy and Councill by M^r Matthias Vanderheyden

Engrossed bill for settleing a Revenue on her Majestyes p^rsent Governour

Read & assented to by the house Del

Sent up by M^r William Whittington and M^r John Whittington

Whoe returne and say they delivered the Same

Ordered th^t the Clk of this house procure some late Journalls and as well draw of them, as this present Journall all proposalls, and other Matters, that are referred to next assembly and th^t he haue them then ready to lay before the house

Edw^d Loyd, and James Saunders Esq^{rs} from the honble Councill enter the house, and Delivers M^r Speaker

An Act Setling a Revenue on her Majestyes p^rsent Gov^r Endorsed

Read and assented to by her Majestyes honble Councill

W Bladen Cl Concil

Committee of Laws Enter the house, & report to M^r Speaker, as followes

By the Committee of Laws 1^o May 1704

It is humbly reported to the house th^t the Rolls of the act of assembly of this Province by being engrossed in paper, and

the negligent keeping of them, often using and turneing to them soone weare out, and Some of them totally lost, and th^t this Committee are of opinion th^t if the originall Laws of this Province were engrossed in Parchment Rolls, itt would be of great benefit & advantage to the Province, considering the Long Duraōn thereof and but little more charge than what now it is, and there is a p^{erson}, whoe hath Parchment ready, and is willing to undertake the same if the house think fitt

Signed p order

Rich^d Dallam Cl Committee

Which being read its resolved th^t the consideraōn thereof be referred to the next Sessions of Assembly

Lre [of] the honble Cōt Nathan^l Blakiston agent for this province read and approued of by the whole house, & resolved th^t his Excy the Gov^r be desired to concurr therewith

The house adjournes till 2 a Clock in the afternoone

Post meridiem

p. 36

The house mett againe being called over were p^{re}sented as in the morneing

The Lre to the honble Nathaniel Blakiston Esq^r agent for this Province, was read in the house, and ordered to be here Entred as followes

By the Councill and Assembly

Port of Annapolis May 1^o 1704

Hon^d Sir

Wee haue seen yo^{rs} of the 30th of July 1703 to his Excy the Gov^r Councill & generall assembly & wee are well Satisfied wth what you haue done on our account, and returne you thanks for the same and lett us assure you by this, th^t the Justice & honour of yo^r administraōn when among us, is yett fresh in our minds, & will euer haue a gratefull remembrance, nor doe wee know of anyone that hath endeavoured to defame you in any respect, & therefore haue resolved to request you, to continue our agent, & shall giue order for the paym^t of the first yeares Sallary, which will be due the first of October next, collecting the Tyme of beginning yo^r agency from yo^r first arrivall in London, copy of the ordinance for yo^r continuance is inclosed

The character you are pleased to giue of our p^{re}sented Govern^r John Seymour Esquire, wee find veryfyed in fact, and esteem our selues extreame happy in his Excy, & belieue wee shall dayly haue cause more and more soe to doe.

The overplus of the money you haue paid for the armes wee haue ordered to be refonded you.

P. R. O. The affaires of New Yorke has been againe pressed upon us but relyeing on what you advise us, that wee shall not be obliedged to doe any thing till our Neighboures contribute theirs, Wee haue rested itt on th^t foott, and hope you will find some way at least to procure our reliefe from that burthen

Wee herewith communicate some resolues of this assembly w^{ch} you are desired with your wonted Skill and application to agitate for us, they would be of great use and benefitt to this Province

1st That you would Endeav^r to procure a Law giveing Leaue and makeing the way Easy for transporteing Servants, to this place since Experience shows, that peopleing a Countrey is the greatest step to its Growth and improvement

2^d that you would Endeavour to procure longer Tyme for payment of the whole Duty on our Tob, soe that there may be longer Tyme given for Exportation

3^d that for the future you will procure and send us all acts of Parliament, as soone as they are made, & printed, wee meane publick acts, and such as concerne us

4 Wee must renew our Suite touching those unfortunate Navigation bonds, or rather the unfortunate p^{sons} that are under them some families has been ruined by them already and more in danger and many creditors defrauded of their just debts by colour of th^m for when any of them bondsmen dye, the Ex^{rs} or adm^{rs} plead such Naviga^ōn bonds ag^t all Debts whatever, and even ag^t filiall portions of the children for there has not been yett found an Estate sufficient to pay one of the bonds, this is the case Sir, & you may judge if its not deplorable.

P. 37 And lastly, we desire you that you will as frequently as may be communicate the Effect of yo^r negotiation for us to

Your most obliedged humble Servants

By the house of Delegates

May 1^o 1704

This Lre has been here read, and approued of to be sent our agent in England, to which this house prayes his Excy & Councils concurrence

Signed p order

W Taylard Cl house of Del

Eodem die approued by his Excy the Govern^r & Council

W Bladen Cl Concil.

and was ordered to be thus Endorsed

By the house of Delegates
Maij 1^o 1704

P. R. O.

This Lre hath been here read and approued to be sent our agent in England, To which this house prayes the Councillis concurrence

Signed p order

W Taylard Cl house Del
and ordered the following message be here Entered

By the house of Delegates Maij 1^o 1704

May itt please yo^r Excy

Your Excy will see by the Letter wee haue propose to be sent to his late Excy Col^l Blakiston our agent th^t wee haue desired him to renew our humble prayer on behalfe of our unfortunate brethren that lye under Naviga^on bonds, and because wee are fully assured of yo^r Excys good resolutions to promote the interest of the Province, and relieue the Distressed, wee humbly pray yo^r Excy to lett yo^r great and good interest att court be applied to our Agents Assistance in this important Matter, in such Manner as to yo^r wisdome shall appeare most proper

Signed p order W Taylard Cl house Del

Putt to the Question whe^r importers of Liquors att the head of the bay to be carryed to Virginia, are obliedged to pay a part of the Duty of the 3^d p Gallon or not

Resolved that all importers, that import and carry Liquors thro' the Bay shall be obliedged to pay the fourth part of the Duty for Debenture, and the Navall officer is by the House obliedged and Strictly Enjoined to take bonds of all importers wth securityes with condition that such importers, shall not vend or sell such Liquors, or any part of itt in this Province

M^r John Smith humbly prayes Leaue of the house that he may be pmitted to goe home, in the morneing, alleadging his brother is very ill, his care and Due attendance being considered by this house, he has Liberty to Depart accordingly

George Muschamp Esq^r M^r Jacob Lookerman, M^r W^m Whittington & M^r Matthias Vanderheyden sent up to his Excy & Councill with a Lre to his Late Excy Col^l Blakiston our agent and a Message thereon

They returne and Say they Delivered the Same

Resolved that Collonell Nathan^l Blakiston be allowed & paid for his Agency the s^ume of one hundred and Twenty pounds for his agency to the first of October next, and that the said Col^l Blakiston be paid three pounds Ster for soe much by him Disbursed for the use of the countrey.

Ordered that the Committee of accounts note the same upon their Journall.

P. R. O. Proposed by a Member whether it be not of Service to the Countrey that application be made to the Commodore to Stay some longer tyme to take the remainder of the Ships under his convoy or not

Putt to the Question whether itt will be of Service to the Countrey or not Carryed in the affirmatiue, and ordered that applicaōn be made accordingly, and a Message to his Excy for that purpose follows

By the house of Delegates
May the 1st 1704

Upon consideraōn of the Commodores saileing the first of this moneth, and the assurance that not aboue one third part of the fleett cann Saile with him soe soone, and that two frigotts more are dayly Expected, Wee most humbly move yo^r Excy and the honble her Majestyes Councill to represent the same on behalfe of the Province, and pray the honble Captⁿ Evans Commodore of this Fleet to consider the p^rmisses, & take such measures as may be most proper for her Majestyes Service and Security of the p^rsent Fleett by staying some Tyme longer till the Fleett may be ready to Saile, and the other Frigotts arrive

Signed p order W Taylard Clk house Del

It has been represented to the house that the Commodore imported into this Province Sev^{ll} Quantities of Ru^me, and some Negroes upon which there is a Duty

Therefore resolved that itt be enquired into of the Navall officers whether Entry has been made of any & what quantity

M^r Young and M^r Lynes are ordered to make Enquiry w^t Ru^m and Negro's were imported and Sold here, and th^t they make report thereof to the house forthwith

The house proceed to the settlem^t of Naturalizaōn fees

	l.	s.	d.
John Jewart to the honble Speaker	04.	00.	00
Arnold Livers to the honble Speaker	04.	00.	00
Christopher Smythers to the honble Speaker	02.	00.	00
Fees to W Taylard Clk house			
John Jewart	02.	00.	00
Arnold Livers	2.	00.	00
Xper Smythers	1.	00.	00

The honble W^m Holland Esq^r from the Councill enters the house & Delivers M^r Speaker the houses Lre to Coll Blakiston the agent Endorsed Eod die read & assented to be sent our agent Signed p order W Bladen Clk Councill

And brought alsoe the followeing Message

P. R. O.
P. 39

By his Excy the Govern^r &c. Maij 1^o 1704
Gent

Your Message by M^r Muschamp and other Members of yo^r house I haue rec^d and assure you that when I first heerd of the misfortune, of such as were under these bonds, I did use my utmost interest with Col^l Blakiston to serue the Countrey therein, & what is within my power Shall not be wanting th^t may conduce to the Ease and reliefe of those under that Distress

Signed p order W Bladen Cl Concil

And that for repealing a clause in the act of Assembly Entituled an act for Establishm^t of religious Worship in this Province &c and alsoe for appointing the oath of abjuraōn to be taken in this province

Endorsed May 1^o 1704

Read and assented to by the house of Del^t
W Taylard Cl house Del

Act for reviveing an act for raiseing a supply towards defraying the Publick charge of this Province, & to p^rvent too great a number of Irish Papists being exported into the Province.

May the 1st 1704

Read and assented to by the house of Del^t
W Taylard Clk house Del

The act for reviveing an act for ordering and regulateing the Militia of the province for the better security and defence thereof

Read and assented to by the house of Del^t
W Taylard Cl house Del

An act reviveing an act for Layeing an imposition of 3^d p hhd on Tob for defraying the Public charge of this Province
Endorsed Maij 1 1704.

Read and assented to by the house of Del^t
W Taylard Cl house Del

An act reviveing an act for quieting Differences between the English and Indians.

P. R. O.

May 1^o 1704

Read and assented to by the house Del

W Taylard Cl house Del

An act reviveing an act for Summoning Grand & petit Juryes Endorsed Maij 1^o 1704

Read & assented to by the house of Delegates

W Taylard Cl house Del

All which foregoing bills were sent up to his Excy & Council by M^r Robert Bradley

Whoe returns & says he Delivered the bills & Engrossed acts as afores^d

p. 40 A Supplementary bill to the act for Sanctyfyeing and Keeping holy the Lords Day, commonly called Sunday

Read the first tyme & comitted for amendment

Bill to declare how the 40 p poll in the parishes, where there is noe incumbent shall be Disposed off

Read the first tyme and doe pass

The house adjournes till tomorrow morneing 8 a Clock

Tuesday 2^d May 1704

The house mett againe were called over, and p'sent as yesterday onely m^r John Smith whoe had Liberty to goe home

Supplementary bill to the act for Sanctifyeing & Keeping holy the Lords Day commonly called Sunday

Read the 2^d tyme and Doe pass

The Gent appointed to enquire of the Navall officers w^t Ru^me was imported in Captaine Evans the Commodore enter the house and report as followes

May 1st 1704

Captaine John Evans Commodore and Commander of her Majestyes Ship Dreadnaught has not made Entry of any Ru^me or Negroes with me, or any other goods whatever

Geo. Platers

M^r Amos Garrett reported and payes Dutyes to me for five barrels of Ru^me theme 38 Gallons Each

W Bladen Nav^l officer

May 1st 1704

P. R. O.

Wee are informed credibly that there is out of Captaine Evans's Ship the man of warr putt one thousand Gallons of Ru^me on board m^r Stephen Coles Ship Rideing att West River for Sale

Samuel Young
Phillip Lynes

May the 2^d 1704

Resolved by the house that the Navall officers make further Enquiry into what Quantities of Ru^me has been imported in the Commodore, and ordered they putt in Execution Laws for Recovery of the Dutyes

The honble William Holland Esq^r enters the house & deliv^{rs} M^r Speaker Petⁿ of M^r Sam^l Young w^{ch} is as followes

To his Excy the Govern^r & Councill in assembly
The humble petⁿ of Sam^l Young Threasurer of the westerne shore

Humbly Sheweth

That yo^r pet^r has faithfully serued this Province in rendring his just and true acc^{ts} and in payeing the Publick Debts to the Satisfaction of Every p^{son}, th^t Ever had any ord^{rs} on him & th^t for this last three yeares, yo^r pet^r has rec^d aboue 1400^l all w^{ch} has been paid out in Small parcells to the honble Councill Delegates, Assembly, Sheriff and others that has Done any service for the publick which has created to yo^r pet^r a very great Trouble, in considera^{on} whereof yo^r pet^r humbly prayes yo^r Hon^{rs} would please to make him a further allowance of one p Cent, and yo^r pet^r as in Duty bound shall pray

This Petition referred to the considera^{on} of the house of p. 41
Delegates

Signed p order W Bladen Clk Councill

Which being read in the house was Endorsed vizt

May the 2^d 1704

The Petⁿ read in the house and granted
W Taylard Cl house Del

The honble Thomas Tench and Thom^s Brooke Esq^r enter the house, and Deliver M^r Speaker the followeing Message which was read and ordered to be Entred vizt

P. R. O.

By his Excy the Govern^r and Councill
May the 2^d 1704

The houses answer to the Message of this Board about the honourable William Blathwait Esquires Pattent of Auditor generall was read and considered by this board, & wee w^{sh} th^t your house would further consider of the s^d message, & shew the vallue wee haue for soe worthy a friend, and because there is but Slender appearance of yo^r house at this tyme it is proposed that this Matter be recomended to the consideration of the next Sessions of Assembly

Signed p order W Bladen Cl Concil

Which being read the house concurrs therewith

Bill for Supplementary act to the act for Sanctifyeing & keeping holy the Lords Day, commonly called Sunday

And bill for declareing how the 40 p poll in the parishes where there is noe incumbent, shall be disposed off

Read the 2^d tyme and doe pass

Ordered to be sent up to his Excellency & Councill by m^r Jacob Lookerman

Message by W^m Holland Esquire from the hoⁿble Councill was here read and ordered to be entred as followes

By his Excy the Govern^r & Councill in Assembly
Maij 1st 1704

Gent

Your message by Maj^r Greenberry about the Commodores saileing being read his Excy assure us, th^t he has used his best Endeav^{rs} with the Commodore both by speakeing & writeing to him, but that he had assured him it was not in his power without express orders from England

Signed p order W Bladen Cl Concil

Upon motion made to the house relateing to the bill for regulateing ordinaryes.

Resolved there be another conference desired & th^t m^r Richard Tilghman is ordered to desire a further conference of his Excy & Councill upon the Matter relateing to the s^d bill

The Letters to the hoⁿble Co^{ll} Blakiston agent for the province subscribed by the hoⁿble Speaker on behalfe of the whole house & sent up to his Excy & Councill by m^r Phill Lynes

He returnes & Sayes he Delivered the Same.

M^r Rich^d Tilghman enters the house & acquaints m^r Speaker th^t his Excy and Councill will please to order some of the

Councill to attend the conference, att the house of M^r John P. R. O.
Freeman p. 42

The honourable Edward Loyd Esquire from the Councill enters the house, and Delivers m^r Speaker the Engrossed bills followeing

Bill for repealeing a clause in an act of Assembly entituled an act for Establishment of Religious Worship in this province and alsoe for appointing the oaths of abjuraōn to be taken in this Province

Endorsed May the 1st 1704
Read and assented to by her Majestyes Councill
W Bladen Cl Councill

Engrossed Bill for limitaōn of officers fees
Endorsed May 1^o 1704
Read and assented to by her Majestyes Councill
W Bladen Cl Councill

Bill for reviveing an act for layeing an imposition of 3^d p hhd in Tob^o for defrayeing the publick charge of this Province
Endorsed May 1^o 1704
Read and assented to by her Majestyes honble Councill
W Bladen Clk Councill

Engrossed Bill for reviveing a Bill for ordering & regulating the Militia of this Province, for the better security thereof
Endorsed May 1^o 1704
Read & assented to by her Majestyes honble Councill
W Bladen Cl Councill

A Bill reviveing an act for raiseing a Supply towards defraying the publick charge of this Province, and to p^rvent too great a Number of Irish Papists being imported into this Province

Endorsed May the 1st 1704
Read and assented to by her Majestyes honble Counc^{ll}
W Bladen Cl Councill

Engrossed Bill for reviveing an act for summoning grand and Pettitt Juries,
Endorsed May 1st 1704
Read and assented to by her Majestyes hon Councill
W Bladen Cl Councill

P. R. O. Engrossed Bill for Naturalizaōn of Xpher Smithers, Arnold Livers and John Jawert

Endorsed May 1^o 1704

Read and assented to by her Majestyes hon Concił

W Bladen Cl Concił

Proposed that the fees for private bills be settled, & its resolved & ordered th^t the Com^{rs} for sale of Captⁿ Smiths Land pay the honble Speaker for the Privat bill past 3.¹ 0.^s 0.^d

To Clk of the house 1. 10. 0

To the honble Speaker for the bill } 3. 00. 0
for Sale of Millburnes Land

To the Clk of the house 1. 10. 0

Upon Motion of the Com^{rs} appointed for Sale of Land for Paym^t of Debts, Its Declared that the Sense of the house is th^t they be allowed tenn p Cent, as Executors & adm^{rs} are by Law

p 43 The honble William Coursey Esq^r from the Councill Enters the house and Delivers M^r Speaker

Supplementary bill to the act for Sanctifyeing & Keeping holy the Lords Day commonly called Sunday

Endorsed as followes

Read at the Councill board, and resolved the Law has sufficiently provided therefore

W Bladen Cl Concił

Which being read in the house is ordered to be layed aside

And the bill to declare how the 40 p poll in the Parishes where there's noe incumbent shall be disposed off

Endorsed eod Die

Read the 2^d tyme for amendm^{ts} and Doe pass for Engrosseing.

The committee of accounts bring with them into the house theire Journall which was read by order

Assented to by the house of Delegates, & by m^r Robert Bradly sent up to his Excy and Councill for theire concurrence

It appears to the house that Susanna Mason Exx of Robert Mason dec^d is indebted to the Publick the sume of 1.¹ 1.^s 10.^d.

Therefore ordered George Muschamp Esq^r & m^r W^m Watts be required to demand the same, the house haueing given th^m full power to receiue the Same, or recover itt, by due Course of Law

M^r Robert Bradly returnes and Sayes he delivered the journall

Represented to the house th^t neither Baltemore nor Ann- P. R. O.
arrundell county Burgesses had notice of this Sessions of As-
sembly, therefore ordered a message be sent to his Excy
thereupon, w^{ch} followes vizt

By the house of Delegates May the 2^d 1704

It's represented to this house th^t Baltem^r nor Annarrund^{ll}
county Burgesses had notice Given of this Sessions of Assem-
bly and therefore his Excy is humbly prayed to cause Enquiry
to be made, where the failure has been, that the party faileing
may answer their contempt, as to his Excys wisdom shall
seem meett

Signed p order W Taylard Cl house Del

The house adjournes till 2 of the Clock in the afternoone

Post meridiem

the house mett againe, were called over and present as in the
morneing

The Gent appointed to attend the Conference this day to
debate matters in the bill for regulateing ordinaryes &c Enters
the house and Delivers M^r Speaker their report which was
ordered to be Entred

Att a Conference held att the house of M^r John Freeman in
the Port of Annapolis the 2^d day of May 1704

Present

	of her Majesties Councill	of the house of Delegates
The	Thomas Tench Esquire	M ^r Philemon Loyd
honble	Thomas Brooke Esquire	Coff Thomas Smith
	William Holland Esquire	M ^r Rich ^d Tilghman
		M ^r John Salter

Whoe Elect M^r Philemon Loyd Chaireman

Ordered M^r Rich^d Dallam be Clk of this Conference

Reasons offered to the members of the house of Delegates p. 44
in relation to the bill relateing to the ordinary Keeps (to witt)
to w^t use the money arizeing by ordinary Lycences ought to
be applied to are as followes

1. When Coff Copley was Govern^r in Chiefe in and over
this Province the then assembly did by the act invest the
profitts ariseing from granting ordinary Lycences, in the
pson of the said Governour and when the said Act of
Assembly was transmitted to England Sir Thomas Laurence
Secretary of this Province did petition the King and Coun-
cill complayneing of some hardship he lay under in relation

P. R. O. to his office, The said Petition was referred to the Lords Com^{rs} of Trade and Plantations and their reporte being considered by his Majestye in Councill Sir Thomas Laurence was relieued in one of the aggrievances complayned of, but as to the other, which was that the assembly had invested the profitts, ariseing from ordinary Lycences in the pson of Govern^r Copley, his Majesty onely Declared th^t act void, thereby Discountenancing the giving those profitts, to the Govern^r, Now considering this affaire was Strictly Examin'd by the Lords of the Committee of Trade and plantations, and upon their Report afterwards considered by the King in Councill and his Majesty neither claymeing itt to himselfe and his successors, as apart of the Royall Revenue, nor takeing any notice of Sir Thomas Laurences claymes to such profitts ariseing as afores^d Wee are of opinion that his Majestyes Councill whoe are Learned in the Law did not think those profitts were any part of the Revenue of the Crowne of England

2^d The Statute made in the 22^d & 23^d of Charles the Second which invests the money ariseing from granteing Licences for Selling wine, and other Liquors in the pson of the King of England and his Successors is limited and restrained to the Kingdome of England, Dominion of Wales and Towne of Berwick upon Tweed, Which wee conceiue doth not Extend to the Plantaōns, and wee are the more inclined to belieue, that is the true meaneing of th^t Statute, For as much as the Lords Com^{rs} of trade and plantations haue not given itt his Excy in charge to convert the Profitts ariseing from ordinary Lycences to her Majestyes proper use, Nor was itt claymed by his Majestyes great and Learned Councill in the Law, when the matter of right to those Licences was debated among them in the case of Sir Thomas Laurence, as in the foregoing reason is Expressed.

3^d Wee are of opinion that noe Loane or Tax can be Leavyed upon any pson whatsoever keeping a Publick house within this Province, unless by a particular act of Assembly provision be made for leavyeing such Loane or Tax, & that wee conceiue to be an inseparable Evidence why the Stat of the 22^d & 23^d of Charles the 2^d doth not Extend to us in this province for if that Stat gaue her Majestye a R^t to ordinary Licenses here, then as the Laws of England

p. 45 Supsede all our Laws there would be noe need of making a Law here, but as we are of opinion that that Statute is not sufficient to warrant the leavying of any Loane or Tax, upon any Keeping publick houses, soe in like mann^r wee are of opinion that itt giues her Majestye noe right to any Loane or Tax layed upon such psons, as haue Licence

to keep publick houses according to act of Assembly of this P. R. O. Province

The aboue reasons being duely considered wee humbly report our opinions that the profitts ariseing from ordinary keepers Lycences are not any part of the Crowne of Englands revenue, but may be applyed to the uses mentioned in the bill for regulateing ordinarys &c If the Govern^r Councill & Assembly think fitt

Signed p order

Rich^d Dallam Cl conference

Engrossed bill to declare how the 40 p poll in such parishes where there is noe incumbent shall be disposed off

Read and assented to by the house of Delegates

W Taylard Cl house Del

Engrossed bill for the Sale of part of the Land of Captⁿ Henry Smith late of Somersett County for Paym^t of his just Debts

Read and assented to by the house of Del

W Taylard Cl house Del

Collnell W^m Whittington moues the house for an allowance for the Duty of 3^d p hhd, and the Duty on furs, for soe much as he shipt on board his Ship Hannah, W^m Smith commander, being taken by the French which was taken into consideraōn

And its the opinion of this house th^t he ought to be considered, & resolved th^t he or any one for him haue liberty to ship the like quantity of Tob^o and furs on any other Vessel Duty free

The honble William Coursey Esq^r enters the house & delivers m^r Speaker the journall of accounts assented to by his Excy and Councill

Bill to declare how the 40 p Poll in such Parishes where there's noe incumbent shall be disposed off

Endorsed Read and assented by her Ma^{ties} Councill

W Bladen Cl Concil

Bill for the Sale of part of the Land of Captⁿ Henry Smith for paym^t of his Just Debts

Endorsed May the 2^d 1704

Read & assented to by her Majestyes honble Councill

W Bladen Cl Concil

Ordered th^t Thomas Jones a Clk assistant to this house be allowed 1000^l of Tob^o for Service this Sessions, and that the same be Entred on the Journall of accounts

P. R. O. The honble Edw^d Loyd Esq^r enters the house & Delivers
p. 46 M^r Speaker the following message vizt

By his Excy the Govern^r & Counc^{ll} in assembly
May the 2^d 1704

The report from the conference this Day appointed ab^t the bill for regulateing ordinaryes &c. has been considered here & debated, and thereupon its proposed that the act for regulating ordinaryes pass in the very words now proposed onely for & dureing the Terme of Eighteen Moneths from the End of this Sessions, or to the End of the next Sessions of Assembly which shall first happen, that you may not be under any app^hension th^t itt will be disposed off, otherwise than what is meant or intended by this present Assembly

Signed p order W Bladen C^t Conci^t

Read and referred till morneing
The house adjournes till 7 a clock tomorrow morneing

Wednesday May 3^d 1704

The house againe mett, being called were all present as yesterday

The message of last night by Cof^t Loyd was againe read in the house and resolved the followeing message be sent his Excy and Councill explaineing the Same vizt

By the house of Delegates May the 3^d 1704

This house desires the honble her Majestyes Councill to explaine yo^r message of yesterday by the honble Cof^t Edward Loyd in this p^ticular, whether yo^r hon^{rs} intend to haue the words (if her Majestye shall think fitt) included in, or left out of the said Bill

Signed p order W Taylard C^t house Del

Sent up to his Excy & Councill by M^r Rich^d Tilghman
He returnes and Sayes he delivered the message

The honble Edw^d Loyd Esquire from the Councill enters the house and Delivers m^r Speaker the followeing message, Endorsed on the foregoeing Message, sent up by m^r Tilghman

By the Councill in Assembly

Eodem die, The words (if her Majestye shall think fitt) were intended to be included

W Bladen C^t Conci^t

Putt to the Question whether the bill for regulateing ordinary's be referred to the consideraōn of the next assembly or to be Drawne and past with these words (if her Majestye shall think fitt), Resolved the consideration therefore be referred to the next Sessions of Assembly

M^r John Salter, and m^r Robert Bradly ordered to attend his Excy and Councill to acquaint his Excy, That the business before this house is all Dispatched, and th^t they are ready to waite on his Excy when commanded to conclude this Sessions

They returne and Say th^t his Excy will send an answ^r Speedily

The Honourable Thomas Tench and Robert smith Esquires enter the house and acquaints m^r Speaker th^t his Excy and honble Councill command him and the rest of the members to giue their attendance att the Councill Chamber

Thereupon m^r Speaker, and the whole house respires to the Councill Chamber, and being admitted m^r Speaker presents his Excy with the Severall bills made this Sessions which are as followes

Bill for recognition

Bill for settleing a revenue on her majestyes p^rsent Gov^r

Bill for Determineing the association and ordering the oaths of abjuration to be taken in this Province

Bill to declare the use of 40 p poll in the parishes where noe incumbent, Shall be Disposed

Bill to Empower Millburnes Ex^{rs} to Sell Land for payment of his Debts

Bill for Sale of Captⁿ Henry Smiths Land

Bill for naturalizaōn of severall p^{rs}ons

Bill reviveing the act of 3^d p hhd to the Countrey

Bill reviveing the act for Limitaōn of officers fees

Bill for reviveing the act for raiseing a Supply towards the defrayeing the publick charge

Bill reviveing the act for regulateing Militia

Bill reviveing the act for quieting Differences between the English and Indians

Bill for reviveing the act for Sumōneing Grand & Pettitt Juryes

To which his Excy was pleased to give his assent by Endorsing them Severally as followes

May the 3^d 1704

On behalfe of her most sacred majesty Anne by the Grace of God of England Scotland, France & Ireland, and the Dominions thereunto belongeing Queen Defender of the faith &c I will this to be a Law and Subscribed the Same

P. R. O. Which being Done his Excy was pleased to say as follows

p. 48 [Gen]t

I Thanke you on her Majestyes behalfe for your hearty Endeav^{rs} this present Sessions, and assure you I have not the least reason to be Dissatisfyed with yo^r proceedings, tho' I could haue wished this Sessions might haue continued soe long as to haue answered her Majestyes Royall instructions But for that the Trade and Shippeing requires you att your respectiue habitaōns, I shall be att p^rsent contented with the expectaōn of seeing you againe some few moneths hence, and now being advised by her Majestyes honble Councill th^t itt will be to the Satisfaction of the inhabitants to haue a new Election this p^rsent Grall Assembly, haueing continued for aboue three yeares, I doe Dissolve the same, and you are accordingly Dissolued

Soe ended this Sessions of Assembly

A True Copy Examined by the Originall brought into the Secretarys Office at Annapolis

Thomas Laurence

p. 50

Maryland

Minutes of Assembly from the 26th Aprill 1704, to the 3 May following, when they were Dissolved

referred to in Col. Seymours
Lre : of 23 May last

Rēcd : the 9 Aug^t }
Read } 1704

ACTS

Maryland Ss:

Att a Sessions of Assembly begun and held at the Towne and Port of Annapolis in Annarundell County the twenty Sixth day of Aprill in the third year of the Reigne of our Sovn Lady Anne by the grace of God of England Scotland France and Ireland Queen Defender of the faith &c^a Annoq Domini one thousand seven hundred and four

His Excy John Seymour Esq Governour

Were Enacted the foll Laws.

Lib. L. L.
No. 2.
p. 428

An Act of Recognition

Wee your Majesties most humble and Loyall Subjects of this your Majesties Province of Maryland The Governour Councill and Assembly do beseech your most Excellent Majesty That it may be Published and declared by the Governour Councill and Assembly and Enacted by the Authority of the same that Wee do recognize and acknowledge your Majestyes and of right ought to be by the Laws of The Realm of England our Sovereign Lieg Lady Queen of England Scotland France and Ireland and the Dominions thereunto belonging In and to whose Princely pson the Royall Estate Crown and dignity of the said Realms with all honours Stiles Titles Regalities prerogatives Powers Jurisdictions and Authorities to the Same belonging and appertaining are most tully rightfully Lawfully intirely invested and incorporated united and annexed.

Aprili the 29th 1704

Read and Assented to by the house of Delegates
W Taylard Clk house Del

Aprili the 29th 1704

Read and Assented to by her Majties hoñble Councill
W Bladen Cl Concil.

May the third Seventeen hundred and four.

On the behalf of her most Sacred Majty Anne by the grace of God of England Scotland France and Ireland and the Do-

Lib. L. L. minions thereunto belonging Queen Defender of the faith
No. 2. &c^a

I will This To be a Law

Jo. Seymour

p. 429 Anno Tertio Regni Anne Reginæ

An Act for the Naturalization of Christopher Smithers of the Port of Annapolis Taylor, Arnold Livers Taylor, John Tawers of Cecil County Gent.

Be it Enacted by the Queens most Excellent Majesty by and with the Advice and Consent of her Majesties Governour Councill and Assembly of this Province and the Authority of the same That Christopher Smithers of the Port of Annapolis Taylor a German born and Arnold Livers Taylor a native of Holland & John Tawers of Cecill County Gent. And all and Every of them shall from hence forth be adjudged reputed and taken as naturall born People of this Province and that they and Every of them by the Authorities afd be Enabled and adjudged to all intents and purposes to Demand Challenge ask have hold and Enjoy any Lands Tenements rents and Hereditaments to which they Might in any wise be intituled as if they were free and Naturall born Subjects and people. And also that they and every of them shall and may be Enabled to Mainetaine prosecute avow Justify and Defend all manner of Accōns Suites Pleas Plaints and other demands whatsoever as liberally frankly freely fully Lawfully and Securely as if they and every of them had been naturall born People and Subjects any Law Statute Mag. or Custom to the Contrary in any wise notwithstanding.

Aprill the 29th 1704

Read and Assented to by her Majesties
honble Councill

Aprill the 29th 1704

W Bladen Cl Concil.

Read and Assented to by the
house of Delegates W Taylard

Cl house Del.

May the third Seventeen hundred and four

On the behalf of her Most Sacred Majty Anne by the grace of God of England Scotland France and Ireland and the Dominions thereto belonging Queen Defender of the faith &c^a I will this to be a Law

{ instead of
the great Seale
of Maryland }

Jo: Seymour

An Act To Enable the Executors of Nich^o Millburne late of Lib. L. 1.
Talbot County Merchant To Sell his Lands for Payment of No. 2.
his Iust Debts within This Province,

Anno Dni 1704.

Whereas Nicholas Millburne late of Talbot County Mer- p. 430
chant during his life time and residing in this her Majty's
Province Contracted many Considerable debts to diverse the
good People inhabitants here and dyed some few years Since
being Possessed of a Competent reall Estate within this Prov-
ince his s^d Creditors being then and still unsatisfyed of their
Just debts & Claimes from the said Nicholas Millburne or
from his Execut^{rs} (That is to say) M^r Robert Ungle and M^r
Robert Grundy both of Talbot County afd And Whereas in
all right and good conscience it is very just and highly reason-
able that the said Creditors should be Satisfyed their just
Claimes (if that it may be) from the Estate late of the said
Nicholas Milburne their debtor who dyed without Issue or any
other heir at Law appearing to Clayme the said Estate and
for that the said Executors have Applied themselves to this
Generall Assembly humbly praying leave that An Act might
be passed to Enable them to Sell and dispose of the said Mill-
burns real Estate for the payment of his just debts as afore-
said they not having any means otherwise to pay and Satisfy
the same Be it therefore Enacted by the Queens Most Excel-
lent Majty by & with the Advice and Consent of her Majties
Governour Council & Assembly of this Province and the
Authority of the same That the said Robert Ungle and Robert
Grundy the Executors of the said Nicholas Millbourne be and
are hereby Empowered and Authorized and Enabled to Sell
and dispose of all or any the reall Estate late of the said
Nicholas Millburne lying and being in Talbot County aforesaid
and consisting of the two Lots of Land and two houses upon
them at Williamstadt Three hundred acres of Land in Tred-
avon called Elons Addition and Lobs Corner Sixty Acres
being uncultivated Land One Lot and house at York Town a
plantation and one hundred and fifty acres of land at Wye To
any pson or psons that will give the best price or Value there-
for And that the pson or psons so purchaseing the same of p. 431
the said Executors shall and by Virtue of This Act and the
Conveyance or acknowledgements of The said Executors to
them and their heires of all or any the said Lands or tenements
have Occupy Possess and Enjoy to them their heires and As-
signes forever a firm sure Absolute and indefeazable Estate
of Inheritance of and in the said Lands and Tenements any
Law Statute or Usage to the Contrary in anywise notwith-
standing After which sale so as afd to be made to the best

I ib. L. L. Purchasor by the said Executors they the said Executors
 No. 2. shall with all convenient Speed discharge Pay and Satisfy
 unto the Svall Credit^{rs} of the said Nicholas Millburne
 as afd out of the moneys and Proffitts arising by such
 their Sale of all or any the said Millburnes Estates their
 Just Claimes and demands so farr forth as the same will
 Amount to And that such moneys and Proffitts arising by such
 Sale or Sales as aforesaid shall be and are hereby made to be
 Assetts in the said Ex^{rs} hands for the uses Intents and Pur-
 poses afd and for which they shall be Accountable to the
 Com^{ry} Generall or Judge of Probat of wills in this province as
 by Law they are Subject for the said Nicholas Millburnes
 psonall Estate any Law Statute or Usage to the Contrary in
 any wise notwithstanding

Aprill the 29th 1704

Read and Assented to by
 the house of Delegates
 W Taylard Clk house del.

Aprill the 29th 1704

read and Assented to by her
 Majties honble Councill
 W Bladen Cl Concil

May the third Seventeen hundred and four

On behalf of her most Sacred Mājty Anne by the grace of
 God of England Scotland France and Ireland and the Do-
 minions thereunto belonging Queen Defender of the faith &c^a

I will this to be a Law

Jo Seymour

{ Sealed with the }
 { great Seale }

An Act Reviving an Act for Limitation of Officers fees.

Be it Enacted by the Queens most Excellent Majty by and
 with the Advice and Consent of her Majties Governour and
 Councill and Assembly of this Province and the Authority of
 the same that one act of Assembly made at a Generall Assem-
 bly begun and held at the Port of Annapolis the twenty Eighth
 day of June for the year of our Lord one thousand six hundred
 and ninety nine Entituled an Act for Limitation of officers fees
 and every Article Clause and thing in the said Act Contained
 shall be Continued and are hereby revived and Continued to
 stand and be in full force and Effect during the term of three
 years or unto the end of the next Sessions of Assembly which
 shall first happen

May the first 1704
read and Assented to by the
house of Delegates
W Taylard Cl house Del

May the first 1704
read and Assented to by her
Majties hoñble Councill
W Bladen Cl Concil

Lib. L. L.
No. 2.

May the third Seventeen hundred and four

On behalf of her most Sacred Majty Anne by the Grace of
God of England Scotland France and Ireland And the Do-
minions thereunto belonging Queen Defender of the faith &c^a

I will this to be a Law Jo. Seymour

{ Sealed
with the
great Seale }

An Act Reviving an Act for Quietting of Differences that may
arrise between her Majties Subjects within this Province and
the Severall Nations of Indians of what places soever

A Perpetual
Act made for
this Purpose
in 1717.

Be it Enacted by the Queens most Excellent Majty by and
with the advice and Consent of her Majesties Governour
Council and Assembly of this province and the Authority of
the same that one act of Assembly made at a Generall Assem-
bly begun & held at the Port of Annapolis Aprill the twenty
Sixth Anno Domini one thousand Seven hundred Entituled
an Act for Quietting of Differences that may arrise between
his Majesty's Subjects within this Province and the Severall
Nations of Indians of what places soever and every Article
Clause and thing in the said Act Contained shall be and are
hereby revived and Continued to Stand and be in full force
and Effect for and during the term of three or unto the end of
the Next Sessions of Assembly which shall first happen

May the 1st 1704
Read and Assented to by
the house of Delegates
W Taylard Clk house Del

May the 1st 1704
Read and Assented to by her
Majties hoñble Councill
W Bladen Cl Concil

May the third Seventeen hundred and four

p. 433

On behalf of her Most Sacred Majty Queen Anne by the
Grace of God of England Scotland France and Ireland & the
Dominions thereto belonging Defender of the faith &c^a

I will this to be Law Jo Seymour

{ Sealed
with the
great Seale }

Lib. L. L. An Act reviving An Act for laying an Imposition of three
 No. 2. pence p hogshead on Tobacco for defraying the publick
 Charge of the Province.

Be it Enacted by the Queens most Excellent Majty by and
 with the advice and Consent of her Majties Governour Coun-
 cil and Assembly of this Province and by the Authority of the
 same that one Act of Assembly made at a Generall Assembly
 of this Province begun and held at the Port of Annapolis the
 Eighth day of May one thousand seven hundred and one
 Entituled an Act for Laying an Imposition of three Pence p
 hogshead on Tobacco for defraying the Publick Charge of
 the Province and all and Every Article Clause and thing in
 the said Act Contained Shall be and are hereby revived &
 Continued in full force and Effect for and during the term
 of three years or untill the end of the next Sessions of
 Assembly which shall first happen

May the 1st 1704

read and Assented to by
 the house of Delegates
 W Taylard Clk house Del.

May the first 1704.

Read and Assented to by her
 Majties honble Councill
 W Bladen Cl Council

May the third Seventeen hundred and four

On the behalf of her most Sacred Majty Anne by the grace
 of God of England Scotland France and Ireland and the
 Dominions thereunto belonging Queen Defender of the
 faith &c^a

I will this to be a Law
 Jo: Seymour

{ Sealed
 with the
 great
 Seale }

An Act Reviving an Act for Summoning grand and Pettit
 Juries.

Be it Enacted by the Queens most Excellent Majty by and
 with the Advice and Consent of her Majties Governour
 Councill and Assembly of this Province and the Authority of
 p. 434 the same That one Act of Assembly made at a Generall
 Assembly begun and held at the Port of Annapolis the twenty
 Eighth day of June in the Year of our Lord one thousand
 Six hundred ninety and nine Entituled An Act for Sumoning
 grand and Petty Iuries and all and every Article Clause and
 thing in the said Act Contained shall be and are hereby
 Revived and Continued to stand and be in full force & Effect

for and during the term of three yeares or unto the end of the
next Sessions of Assembly which shall first happen

Lib. L. L.
No. 2.

May 1st 1704

Read and Assented to by the
house of Delegates
W Taylard Clk house del

May the 1st 1704

Read and Assented to by
her Majties hoñble Councill
W Bladen Cl Concil

May the Third Seventeen hundred and four

On the behalf of her most Sacred Majty Anne by the grace
of God of England Scotland France and Ireland and the Do-
minions thereunto belonging Queen Defender of the faith &c^a

I will this to be a Law

Jo. Seymour

{ Sealed
with the
great Seale }

An Act for reviving an Act for Ordering & Regulating the
Malitia of this Province for the better Defence and Security
thereof

Be it Enacted by the Queens most Excellent Majty by and
with the Advice and Consent of her Majties Governour
Councill and Assembly of this Province and the Authority of
the same that one Act of Assembly made at a Generall As-
sembly begun and held at the Port of Annapolis the twenty
Eighth day of June in the year of our Lord one thousand Six
hundred ninety nine Entituled an Act for ordering and reg-
ulating the Malitia of This Province for the better defence and
Security thereof and all and Every Article Claus & thing in
the said Act Contained shall be and are hereby revived and
Contained to stand and be in full force and effect for and
during the term of three yeares or unto the end of the next p. 435
Sessions of Assembly which shall ffirst hāpen

May the 1st 1704

Read and Assented to by the
house of Delegates
W Taylard Clk house del

May the 1st 1704

Read and Assented to by
her Majties hoñble Councill
W Bladen Cl Con

May the 3^d 1704

On behalf of her most Sacred Majty Anne by the grace of
God of England Scotland France and Ireland and the Do-

Lib. L. L. minions thereto belonging Queen Defender of the faith &c^a
 No. 2. I will this to be a Law { Sealed
with the
great Seale }

An Act for reviving a Supply towards the Defraying the Publick Charge of this Province and to prevent too great a number of Irish Papists being Imported into this Province

Be it Enacted by the Queens most Excellent Majesty by and with the Advice and Consent of her Majesty's Governour Councill and Assembly of this Province and the Authority of the same that one act of Assembly made at a Generall Assembly of This Province begun and held at the Port of Annapolis the twenty eighth day of June in the year of our Lord one Thousand Six hundred ninety nine Entituled An Act for raising a Supply towards the defraying the publick Charge of This province and to prevent too great a Number of Irish Papists being Imported into This Province and Every Article Clause and thing in the said Act Contained shall be and are hereby revived and Continued for and during the term of Three years or unto the end of the next Sessions of Assembly which shall first happen.

May the 1st 1704

Read and Assented to by the
 house of Delegates
 W Taylard Clk house Del.

May the 1st 1704

Read and Assented to by her
 Majties hon^{ble} Councill
 W Bladen Cl Concl.

May the 3^d 1704

On the behalf of her most Sacred Majty Anne by the grace of God of England Scotland France and Ireland Queen Defender of the faith &c^a and of the Dominions thereunto belonging

I will This to be a Law. Jo Seymour { Sealed
with the
great Seale }

p. 436 An Act for Settling a Revenue on her Majties present Governour.

Whereas her most Sacred Majesty out of her Royall Bounty and Princely favour has been pleased to Constitute and ap-

point his Excellency John Seymour Esq^r her Captain Generall and Chief Governor in And over this her Majesties Province of Maryland To whom Wee her Majesty's most Loyall Subjects Yield all due obedience as by her Royall Commission we are obliged.

Lib. L. L.
No. 2.

And the better to demonstrate Our most humble Gratitude and to shew the good respects we have for and toward The said John Seymour Esq^r our present Governour and the great hopes and Expectation we have of his Excy's Good Government over us We most humbly pray That it may be Enacted and

Be it Enacted by the Queens most Excellent Majesty by and with the advice and Consent of her Majesty's Governour Councill and Assembly of this Province and the Authority of the Same that an Imposition of three Pence p hogshead over and above the one shilling p hogshead heretofore granted for Support of her Majesties Governor here upon all Tobacco that shall be hereafter Exported out of this Province by Land or by Water and three pence upon Every four hundred pounds of tobacco be it in Chest or Case may be raised Levyed and paid to her Sacred Majesty her heires or Successors for the use and better maintenance of her Majesties said Governour John Seymour Esq^r During his Government in and over this Province and no Longer if her Majesty shall be so graciously pleased By the Master of Every Ship or Vessell or other pson trading into or living in this Province in ready money or bills of Exchange at the Election and Choice of the said Master or others to be Collected by the Naval Officer of the Port or District where such Shipp or Vessell shall Enter or such other psons as his Excellency shall think fitt to Appoint. And

Be it further Enacted and Declared that if any tobacco should by any Casual meanes be lost after the Imposition paid that then and in All such Cases the owner of freighter of such tobaccoes shall have free liberty to freight and ship of the like quantity againe without paying the Additional three pence This Act to Endure so Long as the said John Seymour Esq^r shall remayne Governour in and over this Province and no Longer

May the 1st 1704

Read and Assented to by the
house of Delegates
W Taylard Clk house Del.

May the 1st 1704

Read and Assented to by her
Majties hon^{ble} Councill
W Bladen Cl Counl

Lib, L. L.
No. 2.

May the third Seventeen hundred and four

On the behalf of her most Sacred Majesty Anne by the Grace of God of England Scotland France and Ireland and the Dominions thereunto belonging Queen Defender of the faith &c.

I will this to be a Law.

Jo. Seymour { Sealed with
the great Seale
of Maryland }

An Act for repealing a Clause in An Act of Assembly Intituled an Act for Establishment of Religious Worship in this Province &c^a and Also for appointing the Oaths of Abjuration to be taken in this Province

Forasmuch as the pretended Prince of Wales hath for some time and doth still Continue to Assume to himself The Title of King of England and the Dominions thereunto belonging by the name of James the third, Therefore for the better Security of her Mājty in her Just right and Sovereignty in and over the Province of Maryland and for Extinguishing all hopes of the friends and Adherents of the said prtended Prince

Be it Enacted by the Queens most Excellent Majesty by and with the Advice and Consent of her Majesty's Governour Councill and Assembly of This province and the Authority of The same that from and after the Conclusion of this P'sent Sessions of Assembly the Oath of Abjuration shall be Administred to all psons th^t all Ready have or shall hereafter be admitted to have and Enjoy any office or Place of Trust within this Province in such manner and form as is herein after recited (That's to say)

p 438 I A. B. do truly and Sincerely acknowledge Profess Testify and declare in My Conscience before God and the World that our Sovereign Lady Queen Anne is Lawfully and right-fully Queen of the Realm of England and of all other Her Majesty's Dominions and Countries thereunto belonging And I Do Solemnly and Sincerely declare That I do believe in my conscience that The pson pretended to be Prince of Wales during the life of the late King James and since his death pretending to be and taking upon himself the Stile and Title of King of England by the name of James the third hath not any right or title whatsoever to the Crown of the Realm of England or any other of the Dominions thereunto belonging And I do renounce refuse and abjure any allegiance or obedience to him and I do Swear that I will bear faith and true Allegiance to her Majty Queen Anne and her will defend

to the uttmmost of my Power against all traiterous Conspiracies and Attempts whatsoever which shall be made against her pson Crown or Dignity And I will do my best Endeavour to disclose and make known to her Mājty and Successors all Treasons and Traiterous Conspiracies which I shall know to be against her or any of them and I do faithfully Promise to the Uttmost of my power to Support Mainetaine and defend the Limitation and Succession of The Crown against him the said James and all other psons whatsoever as the same is & stands limited by an Act Entituled An Act declaring the Rights and liberties of the Subject and Settling the Succession of The Crown to her Present Majesty and the heires of her body being Protestants and as the Same by one other Act Entituled An Act for the further limitation of the Crown and better Securing the rights and Liberties of the Subject is and stands Limited after the decease of her Majesty and for default of Issue of her Majesty to the Princess Sophia Electoress & Dutchesse Dowager of Hannover and the heires of her body being Protestants and all these things I do Plainely and Sincerely acknowledge and swear according to these Express Words by me Spoken and According to the Plaine and Common Sence and understanding of the same Words without Any Equivocation or Mental Evasion or Secret reservation whatsoever and I do make this Recognition acknowledgement abjuration renunciation and Promise heartily willingly and truly upon the True Faith of a Christian So help me God

Lib. L. L.
No. 2.

p. 439

And that without the Taking and Subscribing which said oath no pson shall be Capable of holding Executing or Enjoying any office or Trust within this Province whatsoever

And Whereas by an Act of The Generall Assembly of this Province made the Sixteenth day of March in the year of our Lord Seventeen hundred and one Entituled an Act for Establishment of Religious Worship in this Province &c^a It was Enacted that all Vestrymen should subscribe the Association before they should be Admitted to the Execution of that office.

But forasmuch as by the death of his most Sacred Majesty King William the third the Subscribing the said Association is not necessary to be longer Continued, Be it therefore Enacted that such part thereof and Clause in the before recited Act of Assembly which relates to the Vestrymen's Subscribing the Association and no more is hereby repealed and made Voyd.

And it is further Enacted by the Authority afd and Consent afd that all and every pson or psons that are at this present time Vestrymen in this Province and all other pson or psons that for the time to Come shall be Elected or Chosen Vestry-

Lib. L. L. men shall take the before recited oath of Abjuration and th^t
 No. 2. it be Administred to them according to the forms and methods
 prescribed in the afd Act of Assembly, for taking the oaths
 therein required to be taken and after the taking such Oath
 the pson so Elected or Chosen shall be deemed and taken to
 be one of the Vestry and not before

May the 1 st 1704	May the 1 st 1704
Read and Assented to by the house of Delegates	Read and Assented to by her Mājties hon ^{ble} Councill
W Taylard Clk house Del.	W Bladen Cl Concil.

P. 440 May the third Seventeen hundred and four.

On the behalf of her most Sacred Majesty Anne by the
 grace of God of England Scotland France and Ireland and
 the Dominions thereunto belonging Queen Defender of the
 faith &c^a

I will this to be a Law

Jo Seymour { Sealed
 with the
 great Seale }

P. 440 An Act to Declare how the forty pounds of tobacco p poll in
 such Parishes where there is no Incumbent shall be disposed
 of

Whereas by an Act of Assembly made at a Generall As-
 sembly begun and held at the Port of Annapolis the twenty
 sixth day of Aprill One Thousand Seven hundred and two
 Entituled an act for the Service of Allmighty God and Estab-
 lishment of Religion in this Province according to the Church
 of England &c^a There is no provision made where there is a
 Vacancy or no Incumbent in a Parish how or to what use the
 forty pounds of tobacco p Poll shall be Applied

Therefore the Burgesses and Delegates of This p'sent Gen-
 erall Assembly pray that it may be Enacted and Be it Enacted
 by the Queens most Excellent Majesty by and With the advice
 & Consent of her Majesty's Governour Councill and Assem-
 bly of this Province and the Authority of The same that what
 tobacco of the said forty p poll hath is or shall become due
 in any Parish where there is hath or shall be no incumbent the
 said tobacco shall be Employed and applyed to and for the
 uses following (that is to say) by the Vestry men of Each re-
 spective Parish who are hereby Empowered to dispose thereof
 for and toward the repairing such Churches as are allready
 built finishing and Compleating the insides thereof as the said

Vestrymen shall think fitt or for the purchasing a Pulpit Cloth Lib. L. L.
Cushion bible or Common Prayer book or Church Plate for No. 2.
the use of the said Church and if any Vestry hath allready
applyed or laid out the said Tobacco or any part thereof to the
uses aforesaid such application or disposals is hereby Confirmed

And be it further Enacted by the Authority aforesaid by and p. 441
with the Advice and Consent af^d that in Any Parish where the
Church is old or so out of repaire as not fitt to be made use
of and shall be so adjudged by the Vestrymen of such Parish
It shall and may be Lawfull to and for such Vestrymen to
apply the said forty pounds of tobacco p poll for the building
of a new one and it hath or shall so happen by reason of a
Long Vacancy in such Parish that there shall be no occasion
to apply the said Tobacco to the uses afd or of any such to-
bacco after such application hath or shall remaine in the hands
of the Vestry The said Vestry are hereby directed and Em-
powered to purchase therewith either a plantation with a Tract
of Land or a Certaine Tract of Land as near and contiguous
to the Church belonging to such Parishes as may be (and if
there be no Church in such Parishes then to purchase a tract
of Land as may be most Convenient for the inhabitants thereof
and build a Church thereon) Which Plantation or Land shall
be and for ever remaine as a Glebe to the use of the Ministers
of such Parish for the time being who shall be Lawfully in-
ducted and Appointed according to the usage of the Church
of England and this Province And if there shall happen in any
Parish to be Tobacco over and above answering the uses afd
it shall be Employed to the Improvement and Stocking such
Glebe as the Vestry shall Judge most Proper

And forasmuch as by the said recited act there is nothing
Allowed to the Sheriffe for Collecting the said forty pounds of
Tobacco p poll and Paying the same to the incumbent or
Vestry Be it Enacted by the Authority afd that the Sheriffs of
each respective County shall have allowed him or them out of
the said forty pounds of tobacco p Cent for Collecting and Pay-
ing the same and no more any Law Statute or usage to the
Contrary notwithstanding

May the 2^d 1704

Read and Assented to by the
house of Delegates
W Taylard Clk house del

May the 2^d 1704

Read and Assented to by
her Majties hon^{ble} Councill
W Bladen Cl Concil

May the third Seventeen hundred and four

On behalf of her most Sacred Majesty Anne by the Grace
of God of England Scotland France and Ireland and the Do-

Lib. L. L. minions thereunto belonging Queen Defender of the faith &c^a
No. 2.

I will this to be a Law. Jo Seymour $\left\{ \begin{array}{l} \text{with the} \\ \text{great Seale} \\ \text{of Maryland} \\ \text{Sealed} \end{array} \right\}$

p. 442 An Act for the Sale of part of the Lands of Captaine Henry Smith late of Sumersett County for the Payment of his Just debts.

Whereas Captaine Henry Smith late of Somerset County within this Province had not long before his decease procured Captaine Arnold Elzey and M^r Richard Chambers both of the County afd to his Special bayle to an Accōn then depending in the Provincial Court of this Province at the suit of Thomas Jones Gent did after Judgment given against him in the said Court absent himself out of this Province and Shortly after dyed so th^t the Plantiffe Thomas Jones could not obtaine the Effect of his Judgment by taking him in Execution and therefore brought a Scire facias against the Bayle who were put to Great Charges thereby and Condemned in the Sume of One hundred and Sixty pounds nine shillings and Eleven pence besides Costs of Suit and other Considerable Expences to their utter Ruine if not Relieved by this Grall Assembly. Wherefore This Generall Assembly being Satisfyed that altho the said Captaine Henry Smith left no psonal Estate wherewith to Satisfy the debt and Claime of the afd Arnold Elzey and Richard Chambers his Special bayle but that at the time of his death he was Possessed of diverse and Sundry considerable Tracts of Land in Somerset County afd in which he was seized in fee over and above what were sufficient to Pay and Satisfy the Claime of the said Arnold Elzey and Richard Chambers and it being highly reasonable they should be indemnifyed from the said Smiths real Estate have Prayed that some sufficient Parte may be sold & Applied to that end Be it therefore Enacted by the Queens most Excellent Majesty by and with the Advice and Consent of her Majties Governour Councill and Assembly of this Province and the Authority of The same that Colonel William Whittington Captaine John West & M^r Peter Dent of Somerset County

p. 443 be and are hereby Authorized and Impowered qualified and appointed to be Commissioners and Trustees for the Selling and disposing of such and so much of the Lands of the said Henry Smith lying and being in Sumerset County afd as will be Sufficient to Satisfy the Clayme of and Indemnify the Special bayle as aforesd for what damage they shall make

appeare to the said Commissioners that they have sustained Lib. L. L.
for or by reason of their becoming Special bayle as afores^d No. 2.
and that such pson or psons that shall Purchase all or any of
the said Lands of the Trustees and Commissioners Aforesaid
shall by Virtue of such Purchase have a firm and sure Estate
in fee of in and unto such Lands as shall by the said Trustees
be sold unto them by Virtue of This Act any Law Statue or
Usage to the Contrary notwithstanding and Be it Enacted
further by the Authority aforesaid that the said Col^o William
Whittington Cap^t John West and M^r Peter Dent do forthwith
upon the receiving the Proffitts and Issues by the Sale of such
Lands Pay and Satisfy such damage unto the said Arnold
Elzey and Richard Chambers as they shall upon oath make
appeare to be due to them and that they have Sustained by
Reason of their becoming Special Bayle as aforesaid.

May the 2^d 1704.

Read and Assented to by
the house of Delegates
W Taylard Clk house Dell.

May the 2^d 1704.

Read and assented to by her
Majesty's honble Council
W Bladen Cl Council

May the third Seventeen hundred and four.

On the behalf of her most Sacred Majesty Anne by the
Grace of God of England Scotland France and Ireland and
the Dominions thereunto belonging Queen Defender of the
faith &c^a

I will this to be a Law Jo Seymour

{ Sealed
with the great
Seale }

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